



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**JULY 17, 2006
2:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order--Roll Call.

The Invocation will be delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's Council meeting will be replayed on Channel 3 on Thursday, July 20, 2006, at 7:00 p.m., and Saturday, July 22, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE WEDNESDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, CLICK ON THE SERVICE ICON, CLICK ON COUNCIL AGENDAS TO ACCESS THE APPROPRIATE AGENDA AND COUNCIL MEETING. IF ADOBE ACROBAT IS NOT AVAILABLE, A PROMPT WILL APPEAR TO DOWNLOAD PRIOR TO VIEWING AGENDA INFORMATION.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEVA.GOV, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution paying tribute to the Honorable Carl E. "Sonny" Tarpley, Jr., former Mayor of the City of Salem, Virginia, for his exemplary public service.

R 10

A Resolution paying tribute to the Honorable Roger E. Hedgepeth, former Mayor of Blacksburg, Virginia, for his exemplary public service.

R 12

Recognition of Summer Interns.

Proclamation declaring the month of July 2006 as Parks and Recreation Month.

3. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Monday, May 1, 2006, recessed until Thursday, May 4, 2006, and recessed until Thursday, May 11, 2006; and Monday, May 15, 2006.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 Minutes of the Audit Committee meeting held on Monday, March 6, 2006.

P 14

RECOMMENDED ACTION: Receive and file.

- C-3 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711(A)(1), Code of Virginia (1950), as amended.

P 20

RECOMMENDED ACTION: Concur in the request.

- C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to Section 2.2-3711(A)(3), Code of Virginia (1950), as amended.

P 21

RECOMMENDED ACTION: Concur in the request.

- C-5 A Resolution adopted by the Western Virginia Water Authority expressing appreciation to Michael W. Altizer for his service as Chair and Director of the Authority. P 22

RECOMMENDED ACTION: Receive and file.

- C-6 A communication from David C. Key, Chair, Board of Trustees, City of Roanoke Pension Plan, transmitting the 2005 Annual Report. P 25

RECOMMENDED ACTION: Receive and file.

- C-7 Qualification of the following persons:

Sandra K. Brunk as a member of the Roanoke Arts Commission, for a term ending June 30, 2009;

Lucy R. Ellett as a member of the Roanoke Valley Greenway Commission, for a term ending June 30, 2009; and

R. Brian Townsend as the City's representative to Virginia's First Regional Industrial Facility Authority, for a term ending June 30, 2010.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS: NONE.

- New Code Enforcement Efforts Update - 10 minutes P 29

ITEMS RECOMMENDED FOR ACTION:

1. Acceptance of a Summer Food Program Grant from the United States Department of Agriculture Food and Nutrition Services, in the amount of \$210,400.00; and appropriation and transfer of funds. P 30;
B/O 33;
R 34
2. Acceptance of an Urban and Community Forestry Grant from the Virginia Department of Forestry, in the amount of \$14,987.00; and appropriation of funds. P 35;
B/O 42;
R 43
3. Appropriation of \$500,000.00 from Retained Earnings in connection with emergency procurement of engineering and construction services for the Market Garage. P 44;
B/O 47
4. Authorization for acquisition and demolition of certain flood prone residential properties located within the floodplain through the Federal Emergency Management Agency Hazard Mitigation Grant Program. P 48;
B/O 50;
O 51
5. Execution of an amendment to the 2004-2005 CDBG/HOME Agreement with the Roanoke Redevelopment and Housing Authority. P 53;
R 59
6. Authorization to procure police requested towing services. P 60;
R 61

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation of funds in connection with the Edgar A. Thurman Charitable Foundation for Children and the Algebra Readiness Summer Program; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson. P 63;
B/O 65
- b. Request of the Roanoke City School Board to transfer funds in connection with construction costs for Patrick Henry High School and Monterey Elementary School; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson. P 66;
B/O 68

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS TO BE RECONVENED AT 7:00 P.M., IN THE CITY COUNCIL CHAMBER, ROOM 450, NOEL C. TAYLOR MUNICIPAL BUILDING.



**ROANOKE CITY COUNCIL
REGULAR SESSION**

**JULY 17, 2006
7:00 P.M.**

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Tonight's Council meeting will be replayed on Channel 3 on Thursday, July 20, 2006, at 7:00 p.m., and Saturday, July 22, 2006, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Request of Dalton Place, LLC, and A & J Holdings, Inc., to permanently vacate, discontinue and close Granger Road, S. W. James R. Smith, Managing Partner, Spokesperson. P 69;
O 79
2. Request of Trustees of Metropolitan Community Church of the Blue Ridge that property located on Jamison Avenue, S. E., identified as Official Tax No. 4120113, be rezoned from RM-2, Residential Mixed Density District, to IN, Institutional District, subject to certain conditions proffered by the petitioner. Maryellen F. Goodlatte, Attorney. P 83;
O 94
3. Request of Arellano Orange, LLC, that a proffer of a site plan showing the layout and access to property located in the 2900 block of Orange Avenue, N. E., identified as Official Tax No. 7090408, and a proffer prohibiting outdoor advertising on the subject property, be repealed, and replacing such proffers with a proffer of a new site plan showing the layout and access to the subject property dated May 18, 2006. Elijio Arellano, Owner, Spokesperson. P 96;
O 105
4. Request of Western Virginia Emergency Medical Services Council, Inc., a non-profit organization, for tax exempt status of certain real property located at 1944 Peters Creek Road, N. W. Darlene L. Burcham, City Manager; and Robert H. Logan, III, Executive Director, Western Virginia Emergency Medical Services Council, Inc., Spokespersons. P 107;
O 109
5. Proposal of the City of Roanoke to convey an 11.067-acre parcel of City-owned land located at the intersection of Orange Avenue and Blue Hills Drive, N. E., to Blue Hills Village, LLC. Darlene L. Burcham, City Manager. P 112;
O 113
6. Proposal of the City of Roanoke to convey a 0.2457-acre parcel of City-owned land located on Nelms Lane, N. E., to L & L Development Corporation. Darlene L. Burcham, City Manager. P 115;
O 119

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Valerie B. Garner, Chair, Countryside Neighborhood Alliance.

WMA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to the Honorable Carl E. "Sonny" Tarpley Jr., former mayor of the City of Salem, for his exemplary public service.

WHEREAS, Mr. Tarpley was born in Salem, Virginia, and educated at Andrew Lewis High School in Salem, and at Tennessee Wesleyan College in Athens, Tennessee;

WHEREAS, having been first elected to Salem City Council in 1974, Mr. Tarpley served as mayor from July 1996 to June 2006;

WHEREAS, Mr. Tarpley has given unselfishly of his time, knowledge and experience to achieve efficient, progressive and responsive government;

WHEREAS, Mr. Tarpley has advocated the expansion of business in Salem through the redevelopment of available land and the attraction of new business;

WHEREAS, Mr. Tarpley has worked to effect important changes during his tenure, including the establishment of Salem's independent school system, new high school and building upgrades, the development of many new municipal facilities, the building of the city's football and baseball stadiums, and many others;

WHEREAS, Mr. Tarpley has been actively involved in the community, beginning the Mayor's Youth Council in 2000 to bring young people into the political process and encourage them to pursue a career in public service at the municipal level;

WHEREAS, during his time on Salem City Council, Mr. Tarpley served on numerous committees in addition to participation with the Virginia Municipal League and other organizations to benefit the city of Salem; and

WHEREAS, upon his resignation as mayor of Salem, Carl E. "Sonny" Tarpley Jr. concludes 32 years of public service with the City of Salem.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council adopts this means of recognizing and commending the many services rendered to the City of Salem and its people by the Honorable Carl E. "Sonny" Tarpley Jr..

2. The City Clerk is directed to forward an attested copy of this resolution to the Honorable Carl E. "Sonny" Tarpley Jr..

ATTEST:

City Clerk.

WMS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION paying tribute to the Honorable Roger E. Hedgepeth, former mayor of Blacksburg, Virginia, for his exemplary public service.

WHEREAS, Mr. Hedgepeth was born in Norfolk, Virginia, and received bachelor's and master's degrees from Virginia Polytechnic Institute and State University in Blacksburg, Virginia;

WHEREAS, Mr. Hedgepeth served in the U.S. Army and was employed as a faculty member in Mechanical Engineering and Cooperative Education at Virginia Tech for 38 years prior to his retirement in 1996;

WHEREAS, Mr. Hedgepeth has been actively involved in the community, serving on the Blacksburg-Virginia Tech Liaison Committee, Town-County Liaison Committee, Virginia Tech/Montgomery Airport Authority, Metropolitan Planning Organization Board, and the Blacksburg Partnership Board of Directors, among others, and was the town's elected representative on the Transdominion Express Steering Committee;

WHEREAS, having been first elected to Blacksburg Town Council in 1980, Mr. Hedgepeth served as Blacksburg's mayor from 1982 to 2006;

WHEREAS, Mr. Hedgepeth has actively promoted Blacksburg's innovations in modern government and led in economic development, downtown enhancement and the pursuit of an assured future for all its citizens;

WHEREAS, upon his resignation as Blacksburg mayor, Roger E. Hedgepeth concludes 26 years of public service with the Town of Blacksburg.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. This Council adopts this means of recognizing and commending the many services rendered to the Town of Blacksburg and its people by the Honorable Roger E. Hedgepeth.

2. The City Clerk is directed to forward an attested copy of this resolution to the Honorable Roger E. Hedgepeth.

ATTEST:

City Clerk.

MINUTES OF ROANOKE CITY AUDIT COMMITTEE

March 6, 2006

1. CALL TO ORDER:

The meeting of the Roanoke City Audit Committee was called to order at 11:00 a.m. on Monday, March 6, 2006, with Chair, Dr. M. Rupert Cutler, presiding.

- The roll was called by Mrs. England

Audit Committee

Members Present: Dr. M. Rupert Cutler, Chair
Mayor C. Nelson Harris
Vice-Mayor Beverly T. Fitzpatrick, Jr.
Alfred T. Dowe, Jr.
Sherman P. Lea
Brenda L. McDaniel

Audit Committee

Member Absent: Brian J. Wishneff

Others Present:

Drew Harmon, Municipal Auditor
Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda Russell, Asst. City Manager for Community Development
James Grigsby, Acting Asst. City Manager for Operations
Octavia Johnson, Sheriff
James Brubaker, Major Deputy Sheriff
Faye Tardy, Assistant to the City Manager
Mike Tuck, Assistant Municipal Auditor
Pam Mosdell, Information Systems Auditor
Cheryl Ramsey, Auditor
Geri Hayes, Senior Auditor
Doris England, Administrative Assistant
Todd Jackson, Roanoke Times Reporter

2. APPROVAL OF MINUTES FROM DECEMBER 19, 2005, MEETING

Chairman Cutler asked if there were any amendments to the minutes of the December 19, 2005, Audit Committee meeting. There were none. Mr. Fitzpatrick moved and Ms. McDaniel seconded that the minutes be approved as distributed. A vote was taken and the motion carried. The minutes will be placed on the Consent Agenda for the next City Council meeting.

3. INTERNAL AUDIT REPORTS:

- A. Clerk of the Circuit Court
- B. Contract Administration
- C. Independent Accountant's Report – Roanoke City Sheriff's Office

Chairman Cutler ordered that items A through C be received and filed. There were no objections to the order. Chairman Cutler recognized Mr. Harmon for comments on each of the audits beginning with the Clerk of the Circuit Court.

Mr. Harmon stated the Clerk of the Circuit Court audit is done annually with Municipal Auditing following the program provided by the Auditor of Public Accounts (APA). The city auditing staff does its part of the audit, and the APA then does its part. Mr. Harmon stated that once the APA completes its part of the audit, the final report will be brought before the Audit Committee. On the city's part, there were no findings.

Chairman Cutler asked Mr. Harmon to introduce the newest staff member of Municipal Auditing. Mr. Harmon introduced Geri Hayes, Senior Auditor, who began work with the department on January 23, 2006.

Chairman Cutler explained he would like to change the order of the agenda and discuss the Independent Accountant's Report next, saving the Contract Administration report for last.

Mr. Harmon proceeded with the Independent Accountant's Report and explained that this was a turnover audit of the Sheriff's Department. Sheriff Johnson requested the audit be done when she took office to make sure the accounts were in order. Mr. Harmon explained the signatures on the accounts had been changed and all the balances were reconciled. There were no findings, and Mr. Harmon thanked the Sheriff's staff for its help. Chairman Cutler asked Ms. Johnson if she would like to make any comments. Ms. Johnson stated she appreciated the work done by the auditing staff and was glad that everything came out in good standing.

Chairman Cutler asked Mr. Harmon to proceed to the Contract Administration audit report. Mr. Harmon stated this was a performance audit, and the city has several hundred thousand dollars worth of contracts awarded. There are dozens of contracts; the exact number is not known at this time because the database listing all contracts is not complete. Mr. Harmon stated the procedures for contract administration are available to city employees in Section 10 of the Procurement Manual. He further stated the city had made substantial progress in recent years identifying existing contracts and ensuring contracts include the city's required terms and conditions. Mr. Harmon stated the city management is now working toward better administration of contracts.

Chairman Cutler stated this was an important report. He said that on several occasions of visiting the library he had noted the poor conditions of the restrooms, as well as the variance of cool and warm lighting tubes in the ceiling which does not provide a nice appearance. Dr. Cutler quoted statements made in the audit report and noted, "The libraries have been dirtier and less sanitary than was intended based on the service levels set in the city's contract."

Chairman Cutler proceeded to the discussion of the Market Square Walkway and explained that he walks across it several times a week. He stated the escalators are sometimes out of service, and the bridge is not as clean as it should be. Even the banner welcoming visitors to this All-America City has slid together so that it is unreadable. Dr. Cutler quoted specific procedures listed in the report that were suggested in the city's procurement manual but were not being followed. As stated in the report, Dr. Cutler quoted, "The cleaning services provided have been substantially below the quality specified in the contract."

Chairman Cutler proceeded to the portion of the audit report addressing Park Restroom Cleaning. He stated the inspections of Highland Park, Fallon Park and Lakewood Park revealed dirty sinks, fixtures, and mirrors; and also no paper towels or tissue paper. He then asked Ms. Burcham and Mr. Harmon how this issue could be addressed. Mr. Dowe asked if state budget cuts several years ago had impacted these services. Chairman Cutler replied that this was not an issue of funding, but one of the city not receiving the services agreed to under existing contracts. Mr. Harmon explained the contracts specify the service level, and the contractors agree to those services. Mr. Lea stated it was clear that contractors were not performing as they had agreed to in the contract. Mr. Fitzpatrick stated that as the city goes to more out-sourcing, it must do a better job of managing those services. Chairman Cutler stated that he and Mr. Harmon had discussed the issues with the Market Square Walkway, and Mr. Harmon stated the escalators were down quite often, were subject to vandalism, and it might be a better solution to have fixed stairs instead of the escalators. Mr. Fitzpatrick agreed stairs would be better since elevators are provided. Mayor Harris asked Ms. Burcham for her comments on the issue.

Ms. Burcham stated that the city is not where it needs to be in regard to contract administration, although it is progressing. In 2000, the city did not have a procurement manual. She added that contract administration is an art, and what many organizations fail to realize is that when you out-source, there is a greater responsibility to monitor than when staff performs those services. The city has utilized out-sourcing in an effort to save money and reduce costs. Ms. Burcham explained that it is very difficult to acquire contractors for the walkway; the city has probably had five different ones, and she has not been pleased with any of them. She agreed with an earlier statement made by Mr. Harmon that contractors low-bid the project and

then try to cut corners, which just does not work. She said that prior to her seeing this report, she and Mr. Harmon had discussed the need to do a presentation to the Leadership Team on contract administration and to emphasize the responsibilities it involves. Ms. Burcham stated in the case of the libraries, the Building Maintenance department is the contract administrator, but the library employees are in the libraries all day and perhaps would make better administrators. The city needs to do a better job of assigning contract administration responsibilities within the department itself. Ms. Burcham noted that in some instances of contractor performance, some of the expectations may not be realistic. The city may need to be more specific and focus on the immediate appearance that the average citizen sees. Ms. Burcham stated she would be happy to look at changing the escalators to stairs. She explained the escalators are out a lot because people deliberately push the emergency button to be playful, which sometimes happens at two or three o'clock in the morning. The city is looking at ways to monitor activity around the escalators through the 24-hour staff at the Police administration building. The signage for the elevators has been limited because the escalators were designed to be the primary mode [of egress and ingress for the walkway]. Ms. Burcham was asked if there are cameras in the walkway, to which she responded that there are cameras in the walkway, but that she was not sure if cameras are focused on the escalators.

Chairman Cutler stated it occurred to him as he read this report that photographs could be a potential benefit. He stated some of the non-compliance issues could be more evident if the auditing staff carried a camera with telephoto capability and took pictures, attaching them to the report. Mr. Harmon stated that pictures were taken and included in the work papers on this audit to document what was observed. He has discussed including photographs with audit reports with his staff and will pursue how this can best be done.

Dr. Cutler asked Mr. Harmon to summarize the discussion of this audit report. Mr. Harmon stated contract administration is difficult and that documenting vendor performance is critical to ensure vendors are treated fairly and the city receives the services for which it has paid. Problems should be communicated to the contractor immediately in order to provide the vendor an opportunity to respond to and remedy any issues. Regarding the escalators, Mr. Harmon stated that Building Maintenance should monitor the costs associated with maintaining the escalators in order to evaluate costs versus benefits.

Mayor Harris asked Ms. Burcham to quantify the cost of maintaining the escalators and the cost of replacing them with stairs. He also asked if she could talk with management at Hotel Roanoke to determine if the city might contract with the hotel to service the market walkway. The Mayor noted that the walkway could be considered an extension of the conference center and

is likely as much of a concern to the hotel administration as it is to the city. Ms. Burcham stated that she had spoken with the hotel administration in the past about the walkway and that it might be good if Mayor Harris spoke to them in his role as a member of the Hotel Commission. Mayor Harris asked if Hotel Roanoke management had been open to helping address walkway issues in the past. Ms. Burcham replied that she felt the hotel staff would prefer not to service the walkway, but that the hotel has been one of the greatest critics of the problems with the walkway. She noted that she had never addressed the walkway issue with the hotel from the perspective of the walkway being an extension of the Hotel Roanoke and Conference Center. Ms. Burcham stated that she will be glad to have this conversation with the hotel staff and that it would probably be appropriate for discussion at a Hotel Commission meeting. Ms. Burcham stated she had worked with Debbie Moses in getting signage placed in the walkway, so the hotel certainly has an interest in the walkway.

Mr. Fitzpatrick noted that a staircase in the market walkway was recommended in the city market district study. He suggested the city administration should develop costs for a fixed staircase assuming it will extend out through the front of the walkway structure toward the market building. This would be an initial, positive step toward implementing the recommendations in the market study.

4. UNFINISHED BUSINESS:

There was no unfinished business to come before the committee.

5. NEW BUSINESS:

Chairman Cutler recognized Mr. Harmon for comments on the update of staffing and the current audit plan. Mr. Harmon stated there would be one more audit committee meeting this fiscal year, which would take place in June. He stated the newest employee on his staff, Geri Hayes, had already been introduced to the committee members. There will also be an additional change in staffing. Information Systems Auditor, Pam Mosdell, has requested to work part-time for three days a week in order to spend more time with her children. Mr. Harmon stated he had worked with Human Resources and agreed to that arrangement in order to retain her experience and expertise. He noted that this change will be a reduction of four tenths of a full time position. He also explained that over the last four years, the department has reduced staffing by approximately 20 percent as a budget reduction strategy. Mr. Harmon stated that he is evaluating contracting with recently retired auditors in the area to provide audit services on an "as needed" basis in the future.

Mr. Harmon stated there would be a number of audit reports coming to the committee in June. These include audits of the following.

- Social Services Administration – business function
- Purchasing Cards – expenditures and compliance with policies
- Occupational Health – process for performing physicals
- Small, Minority, and Women-owned Businesses – efforts of departments to incorporate these businesses in purchases under \$50,000
- Change Control for Building Inspection
- Weed Abatement – compliance issues

Chairman Cutler asked about the close-out of Johnson and Johnson. Mr. Harmon replied that his department works with management as issues arise in performing non-audit services, such as this. A letter was presented to management regarding the issue of the Johnson and Johnson performance agreements. Mr. Harmon stated his department is also evaluating the business office function of the library. These two items are in addition to the Audit Plan.

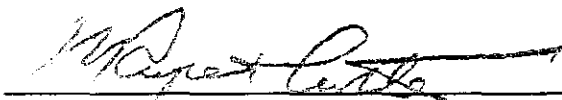
Mr. Harmon stated that several audits in the current audit plan that will not be performed. He stated that changes in the auditing process have required more time to complete audits and that the vacancy of a senior auditor position for approximately six months have created the need to eliminate audits from the plan.

Chairman Cutler asked Mr. Harmon for comments on the relationship with the school system. Mr. Harmon stated the School Audit Committee meeting was held in February, and it was decided that Municipal Auditing would provide some information to the Board. Over the next three months, information will be formulated through a work group and presented to the School Board to consider how those members want to set up boundaries of the audit function. Once there is something the School Board feels comfortable with, Mr. Harmon said he would bring it before City Council.

Chairman Cutler asked if the committee members had any questions for Mr. Harmon. There were none.

6. ADJOURNMENT

There being no further business, the meeting was adjourned at 11:33 a.m.



M. Rupert Cutler, Chair



C. NELSON HARRIS
Mayor

CITY OF ROANOKE
OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

July 17, 2006

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink that reads "C. Nelson Harris". The signature is written in a cursive, flowing style.

C. Nelson Harris
Mayor

CNH:snh



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

July 17, 2006

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Subject: Request for closed meeting

Dear Mayor Harris and Council Members:

This is to request that City Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the City, pursuant to §2.2-3711(A)(3), Code of Virginia (1950), as amended.

Sincerely,


Darlene L. Burcham
City Manager

DLB:ld

cc: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk

RESOLUTION #77 (06-06)
OF THE
WESTERN VIRGINIA WATER AUTHORITY

Thanking Michael W. Altizer for his Service as Chairman and Director of the Authority

WHEREAS, the Western Virginia Water Authority (the "Authority"), a public service authority formed and existing in accordance with the provisions of Chapter 51 of Title 15.2 of the Code of Virginia, 1950, as amended, the Virginia Water and Waste Authorities Act §§ 15.2-5100-15.2-5158 (the "Act"), has benefited from the generous and capable service of its first Chairman, Michael W. Altizer; and

WHEREAS, while serving as a member of the Board of Supervisors of Roanoke County, Virginia Michael W. Altizer recognized the political and operational opportunity in the formation of the Western Virginia Water Authority and had the political will and personal courage to wholeheartedly support the proposal, permitting staff representatives of the City of Roanoke and Roanoke County Utility Departments to develop the concept and jealously guarding their prerogatives in order to give them the opportunity to discern an equitable basis for a merger and then, once the idea began to take shape, was diligent in nurturing it and permitting it to grow and develop, and,

WHEREAS, heretofore by concurrent resolutions the Board of Supervisors of Roanoke County, Virginia, and the City Council of the City of Roanoke, Virginia, appointed Michael W. Altizer to serve a two-year term as a director of the Western Virginia Water Authority, and

WHEREAS, he was rewarded by being named the Authority's first Chairman and being given the opportunity to introduce the Western Virginia Water Authority to the constituents of Roanoke City and Roanoke County as well as to the Commonwealth of Virginia and beyond; and has graciously and good humoredly (but firmly) asserted his opinions and expressed his viewpoints as the Authority has grown and gained strength and momentum.


NOW THEREFORE, be it resolved by the Board of Directors of the Western Virginia Water Authority that they each extend their heartfelt thanks and gratitude to Michael W. Altizer for his service to the Authority, and that they send him their warmest regards and best wishes for his continued health and success.

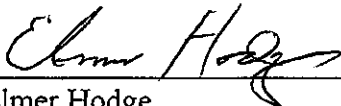
AND BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Board of Supervisors of Roanoke County, Virginia, and to the City Council of the City of Roanoke, Virginia, with the request that it be read into the permanent public records of such governing bodies.

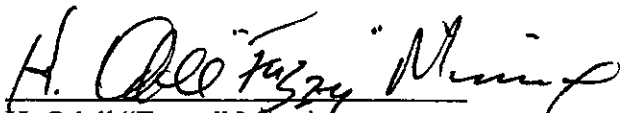
This resolution shall take effect immediately.


Directors absent	<u>0</u>
Votes in Favor	<u>6</u>
Votes Against	<u>0</u>
Abstentions	<u>0</u>

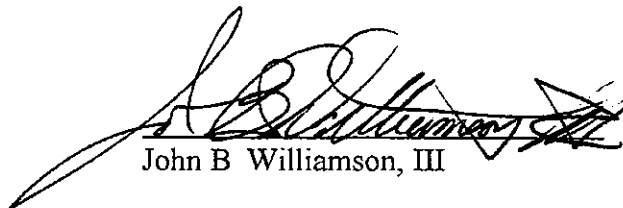

M. Rupert Cutler, Chairman


Darlene L. Burcham


Elmer Hodge

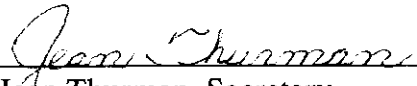

H. Odell "Fuzzy" Minnix


Robert C. Lawson, Jr.


John B. Williamson, III

CERTIFICATION

The undersigned secretary of the Western Virginia Water Authority does hereby certify that the foregoing is a true, complete and correct Resolution adopted by a vote of a majority of the Directors of the Western Virginia Water Authority, present at a regular meeting of the Board of Directors of the Western Virginia Water Authority duly called and held June 15, 2006, at which a quorum was present and acting throughout, and that the same has not been amended or rescinded and is in full force and effect as of the date of this certification, July 3, 2006.



Jean Thurman, Secretary,
Western Virginia Water Authority

(SEAL)



RETIREMENT ADMINISTRATION

Noel C. Taylor Municipal Building
215 Church Avenue, SW, Room 461
Roanoke, Virginia 24011
540.853.2062 fax: 540.853.6142

C-6

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Attached for your review is a summary of the Roanoke Pension Plan Board of Trustees' activities for the time period July 1, 2005 through June 30, 2006. The written minutes of each Board of Trustees meeting are located in the office of the Retirement Administrator, Andrea F. Trent.

On behalf of the appointed members of the Board of Trustees, we would like to take this occasion to thank City Council for the opportunity to be of service to our City.

Sincerely,

David C. Key
Chairman

DCK:ca

Attachment

c: Mary F. Parker, City Clerk
Board of Trustees, City of Roanoke Pension Plan

**Annual Report
City of Roanoke Pension Plan Board of Trustees
June 30, 2005**

There were four meetings scheduled during the above referenced time period.

July 13, 2005 Meeting

Members present: David C. Key
Jesse A. Hall
George F. Taylor
Donna S. Johnson
Efren T. Gonzalez
Darlene L. Burcham
Anthony P. Wallace
Michael W. Hanks

Members absent: Mayor C. Nelson Harris

The Board approved:

- 4 retirements from Employees' Retirement System (ERS); and
- 20 retirements from Employee's Supplemental Retirement System (ESRS).
- 2 non-occupational disabilities from ESRS.

The Board denied:

- 1 non-occupational disability from ESRS.
- 2 non-occupational disability appeals from ESRS.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key. Motions were made and seconded to accept the revised Statement of Investment Policy, increase the portfolio's international exposure and decrease domestic equity exposure. A motion was made and seconded to remove T. Rowe Price from the line-up on investment fund providers and add State Street EAFE Index, GMO, and Thomas White to the line-up.

It was reported to the Board that a 2.25% cost of living adjustment for retirees was approved by City Council. This adjustment was effective July 1, 2005.

October 12, 2005 Meeting

Members present: David C. Key
Donna S. Johnson
Efren T. Gonzalez
Jesse A. Hall
George F. Taylor
Michael W. Hanks

Members absent: Mayor C. Nelson Harris
Darlene L. Burcham
Anthony P. Wallace

The Board approved:

- 3 retirements from ERS;
- 27 retirements from ESRS;
- 4 applications for spousal allowances due to retiree deaths.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

Bill Dowd and Bill Reid, of Palmer & Cay Consulting Group, attended the meeting to present the results of the 2005 Actuarial Valuation.

January 11, 2006 Meeting

Members present: David C. Key
Efren T. Gonzalez
Jesse A. Hall
George F. Taylor
Anthony P. Wallace
Michael W. Hanks

Members absent: Mayor C. Nelson Harris
Donna S. Johnson
Darlene L. Burcham

The Board approved:

- 1 retirement from ERS;
- 14 retirements from ESRS;
- 1 non-occupational disability from ESRS; and
- 5 applications for spousal allowances due to retiree deaths.

The Board denied:

- 1 occupational disability from ESRS;
- 3 non-occupational disabilities from ESRS;
- 2 non-occupational disability appeals from ESRS; and
- 1 occupational disability appeal from ESRS.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

It was announced that a Request for Proposals (RFP) for Investment Consulting Services has been published and is open through February 6, 2006.

The Board received a copy of the Auditor's Report and a copy of the Pension Plan Comprehensive Annual Financial Report. It was noted that the Pension Plan received a "clean opinion" from KPMG, the Auditors.

April 12, 2006 Meeting

Members present: David C. Key
Efren T. Gonzalez
Donna S Johnson
Jesse A. Hall
Michael W. Hanks
George F. Taylor

Members absent: Mayor C. Nelson Harris
Anthony P. Wallace
Darlene L. Burcham

The Board approved:

- 3 retirements from ERS;
- 18 retirements from ESRS;
- 2 non-occupational disabilities from ESRS; and
- 2 applications for spousal allowances due to retiree deaths.

Fiduciary Capital Advisors' quarterly investment update was presented by Mr. Key.

It was announced that 8 firms, who had responded to the RFP, have been interviewed for Investment Consulting Services. A decision is expected in the next few weeks.

Four trustees' terms expire effective June 30, 2006. Efren Gonzalez, Michael Hanks, David Key, and Anthony Wallace were acknowledged for their service to the Board of Trustees.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

July 17, 2006

Honorable C. Nelson Harris, Mayor and Members
of City Council
Roanoke, VA

Dear Mayor Harris and Members of Council:

Subject: Update on New Code
Enforcement Efforts

This is to request space on Council's agenda for a 10 minute presentation of the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Clerk
City Attorney
Director of Finance



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July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Summer Food Program

The City of Roanoke continues to provide for the nutritional needs of children and youth during the summer months through its Parks and Recreation Youth Services Division supervised Summer Nutrition Program. Breakfast and lunch are provided to children throughout the City from mid-June through early August. Approximately 56,712 meals were served at sites across the Valley during the summer of 2005.

General Funds in the amount of \$40,000 have been appropriated in the FY 2006-2007 Parks and Recreation Youth Services Division budget. Local funds will be used to provide staffing and program materials. Federal funds, up to \$210,400, have been approved by the United States Department of Agriculture Food and Nutrition Service. The City is reimbursed on a per meal basis for meals actually served.

Considerations:

The Summer Food Program is partially funded through the United States Department of Agriculture Food and Nutrition Service. The program is similar in concept to the National School Lunch Program with eligibility requirements much like those used to determine eligibility for free or reduced priced meals during the school year. The purpose is to provide nutritionally balanced,

healthy meals to children, ages one through eighteen, and those with special needs. Adult, summer staff manages the program and youth are hired to assist at the food service sites.

Recommended Action(s):

Accept the Summer Food Program grant in the amount of \$210,400 and authorize the City Manager and City Clerk to execute and attest respectively, an agreement with the United States Department of Agriculture Food and Nutrition Services and any other forms necessary to accept such grant, approved as to form by the City Attorney.

Adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$210,400, transfer \$40,000 from the Parks and Recreation Youth Services Division account (01-620-8170-2034), and appropriate funding totaling \$250,400 into expenditure accounts to be established by the Director of Finance in the Grant Fund.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:MVH:na

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Steven C. Buschor, Director of Parks and Recreation
Sherman M. Stovall, Director of Management and Budget

CM06-00127

Attachment 1

Budget Breakdown

1004	Temporary Wages	37,157
1120	FICA	2,843
2066	Program Activities	210,400
	TOTAL	250,400

Summer Nutritional Sites

1. Apple Ridge Farms, Cooper Hill (off-site center)
2. Blue Stone Housing Project
3. Boys and Girls Club – 19th Street
4. Buena Vista Recreation Center
5. Dumas Center
6. Eureka Park Recreation Center
7. Family Preservation - 19th Street
8. Family Preservation – Huff Lane
9. Family Preservation – Mt. View
10. Family Preservation – Wm. Byrd
11. Family Preservation – Woodrow Wilson
12. Grandin Community Center
13. Hunt Manor Housing Project
14. Hurt Park Elementary School
15. Indian Rock Village Housing Project
16. Jamestown Place Housing Project
17. Lansdowne Housing Project
18. Lincoln Terrace Housing Project
19. Minnick Education Center
20. One Step Daycare
21. Preston Park Center
22. Rainbow Christian Day Care
23. Salvation Army – Dale Avenue
24. YMCA Family Center – Orange Avenue
25. YWCA

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Federal government for the Summer Food Program, amending and reordaining certain sections of the 2006-2007 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that certain sections of the 2006-2007 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund

Appropriations

Special Projects	01-620-8170-2034	\$ (40,000)
Transfer to Grant Fund	01-250-9310-9535	40,000

Grant Fund

Appropriations

Temporary Employee Wages	35-620-5291-1004	37,157
FICA	35-620-5291-1120	2,843
Program Activities	35-620-5291-2066	210,400

Revenues

Federal Grant Receipts	35-620-5291-5291	210,400
Local Match	35-620-5291-5292	40,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing acceptance of additional allowable reimbursements from the USDA Food and Nutrition Service in the amount of \$40,000.00 on behalf of the City to provide for the nutritional needs of children and youth during the summer months, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant and applicable laws, regulations, and requirements pertaining thereto.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. Additional funding from the USDA Food and Nutrition Service in the amount of \$40,000.00 to provide for the nutritional needs of children and youth during the summer months, as set forth in the City Manager's letter dated July 17, 2006, to City Council, is hereby ACCEPTED.

2. The City Manager, or the City Manager's designee, is authorized to execute, and the City Clerk is authorized to attest, for and on behalf of the City, any and all requisite documents pertaining to the City's acceptance of the additional funding from the USDA Food and Nutrition Service and to furnish such additional information as may be required in connection with the City's acceptance of the foregoing funds. All documents to be executed on behalf of the City shall be approved as to form by the City Attorney.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Grant for Natural Resources
Stewardship for Roanoke Forest
and Park Land

On June 8, 2006, the City was notified by the Virginia Department of Forestry that a \$14,987 grant will be awarded to the City upon completion of a Memorandum of Agreement (Attachment 1). The grant will be used to fund a part-time Urban Forestry Planner to work with the City's Urban Forester on "Natural Resource Stewardship for Roanoke Forest and Park Land." This grant is from the same program that funded the part-time Urban Forestry Planner for the past four years.

The \$14,987 Urban and Community Forestry Grant is a federal grant sponsored by the National Forest Service and administered by the Virginia Department of Forestry. Funds are awarded on a reimbursement basis after verification of the local match. The majority of the City's matching funds will consist of 525 hours of staff time (\$16,086) provided by the Urban Forester. The remainder of the matching funds will be an additional \$8,887 to cover salary and benefits costs for the part-time Urban Forestry Planner.

The funding will be used for staff to work with other Department of Parks and Recreation personnel on the natural resource planning and management elements of the department's work toward achieving accreditation from the national Commission for Accreditation of Park and Recreation Agencies (CAPRA).

Recommended Action:

Accept the Urban and Community Forestry Grant in the amount of \$14,987 and authorize the City Manager and City Clerk to execute and attest respectively, an

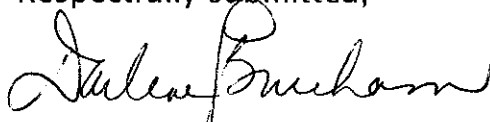
Mayor Harris and Members of City Council
July 17, 2006
Page 2

agreement with the Virginia Department of Forestry and any other forms necessary to accept such grant, approved as to form by the City Attorney.

Adopt the accompanying budget ordinance to establish a revenue estimate in the amount of \$14,987, transfer \$8,887 from the Parks and Recreation temporary employee wage account (01-620-4340-1004), and appropriate funding totaling \$23,874 to expenditure accounts to be established by the Director of Finance in the Grant Fund as follows:

<u>Account</u>	<u>Account #</u>	<u>Amount</u>
Regular Employee Salary	35-620-4349-1002	\$ 16,942
FICA	35-620-4349-1120	\$ 1,296
Long-Term Disability	35-620-4349-1131	\$ 42
Hospitalization Insurance	35-620-4349-1125	\$ 2,070
Dental Insurance	35-620-4349-1126	\$ 123
City Retirement	35-620-4349-1105	\$ 2,560
Life Insurance	35-620-4349-1130	\$ 191
ICMA	35-620-4349-1116	\$ 650
TOTAL		\$ 23,874

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:na

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Steven C. Buschor, Director of Parks and Recreation

CM06-00130

U&CF ASSISTANCE GRANT PROGRAM
MEMORANDUM OF AGREEMENT
GRANT # 06UCF23

This agreement made this _____ day of _____, 2006 by and between the **Virginia Department of Forestry**, herein referred to as "Party of the First Part", and **the City of Roanoke, Virginia** herein referred to as "Party of the Second Part".

The parties of this agreement, in consideration of the mutual covenants and stipulations set out herein in order to promote, support and participate in the U&CF Assistance Grant Program, sponsored by the U. S. Forest Service (Catalog of Federal Domestic Assistance (CFDA) Number 10-664) agree as follows:

(1) **SCOPE OF SERVICES:**

The Party of the Second Part shall provide the service to the Party of the First Part set forth in its Urban & Community Forestry Assistance proposal.

(2) **TIME OF PERFORMANCE:**

The service of the Party of the Second Part shall commence on June 10, 2006 and shall terminate on May 15, 2007.

All time limits stated are the critical aspects to this agreement.

(3) **COMPENSATION:**

The Party of the Second Part shall be paid by the Party of the First Part as set forth in ATTACHMENT A. Funds will be transferred to the Party of the Second Part upon receipt of quarterly billings. The Party of the Second Part shall spend the funds according to the specified categories of the contract budget. Minor shifts of the funds among categories not to exceed 10 percent may be permitted by the Party of the First Part, but in no case can the total expenditures exceed the amount provided by this contract. Shifts of funds among budget categories exceeding 10 percent must be approved in writing by the Party of The First Part.

(4) **ASSISTANCE:**

The Party of the First Part agrees upon request of the Party of the Second Part to furnish, or otherwise make available to the Party of the Second Part, copies of existing non-proprietary materials in the possession of the Party of the First Part that are reasonably related to the subject matter of this agreement and are necessary to the Party of the Second Part for completion of his performance under this agreement.

(5) **GENERAL PROVISIONS:**

Nothing in this agreement shall be construed as authority for either party to make commitments which will bind the other party beyond the Scope of Service contained herein. Furthermore, the Party of the Second Part shall not assign, sublet or subcontract any work related to this agreement or any interest it may have herein without the prior written consent of the Party of the First Part. This contract is subject to appropriations by the Virginia General Assembly.

(6) **INTEGRATION AND MODIFICATION:**

This contract constitutes the entire agreement between the Party of the Second Part and the Party of the First Part. No alteration, amendment or modification in the provisions of this agreement shall be effective unless it is reduced to writing, signed by the parties and attached hereto.

(7) **TERMINATION:**

The Party of the First Part may terminate this agreement for its convenience upon 60 days written notice to the other party. The Party of the Second Part shall be paid for no service rendered or expense incurred after receipt of such notice except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of its/his work under this agreement.

In the event of breach by the Party of the Second Part of this agreement, the Party of the First Part shall have the right immediately to rescind, revoke or terminate the agreement. In the alternative the Party of the First Part may give written notice to the Party of the Second Part specifying the manner in which the Agreement has been breached. If a notice of breach is given and the Party of the Second Part has not substantially corrected the breach within the sixty (60) days of receipt of the written notice, the Party of the First Part shall have the right to terminate this Agreement.

In the event of rescission, revocation or termination, all documents and other materials related to the performance of this Agreement shall become the property of the Department of Forestry.

(8) **COLLATERAL CONTRACTS:**

Where there exists any inconsistency between this Agreement and other provisions of collateral contractual agreements which are made a part of this Agreement by reference or otherwise, the provisions of this Agreement shall control.

(9) **ANTI-DISCRIMINATION:**

During the performance of this contract, the Party of the Second Part agrees as follows;

The Party of the Second Part will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin, except where religion, sex, or national origin is a bona fide occupational qualification reasonable necessary to the normal operation of the Party of the Second Part. The Party of the Second Part agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause.

The Party of the Second Part, in all solicitations or advertisement for employees placed by or on behalf of the Party of the Second Part, will state that such Party of the Second Part is an equal opportunity employer.

Notices, advertisements and solicitations in accordance with federal law, rules or regulations shall be deemed sufficient for the purpose of meeting the requirements of the Section.

The Party of the Second Part will include the above provisions in every subcontract or purchase order of over \$10,000, so that the provisions will be binding upon each subcontractor or vendor.

(10) **APPLICATIONS:**

This agreement shall be governed in all respects, whether as to validity, construction, capacity, performance or otherwise, by the laws of the Commonwealth of Virginia.

(11) **SEVERABILITY:**

Each paragraph and provision of the Agreement is severable from the entire Agreement; and if any provision is declared invalid, the remaining provisions shall nevertheless remain in effect.

(12) **CONTINGENT FEE WARRANTY:**

The Party of the Second Part warrants that he/it has not employed or retained any person or persons for the purpose of soliciting or securing this Agreement. The Party of the Second Part further warrants that he/it has not paid or agreed to pay any company or person any fee, commission, percentage, brokerage fee, gift or any other consideration, contingent upon the award or making of this Agreement. For breach of one or both of the foregoing warranties, the Agency shall have the right to terminate this agreement without liability, or, in its discretion or otherwise recover, the full amount of said prohibition fee, commission, percentage, brokerage fee, gift or contingent fee.

(13) **CONFLICT OF INTEREST:**

The Party of the Second Part warrants that he has fully complied with the Virginia Conflict of Interest Act.

(14) **FINANCIAL RECORDS AVAILABILITY:**

The Party of the Second Part agrees to retain all books, records and other documents relative to this Agreement for five (5) years after final payment, or until audited by the Commonwealth of Virginia, whichever is later. The Party of the First Part, its authorized agents and/or State auditors shall have full access to and the right to examine any of said materials during said period.

Source documentation such as canceled checks (include copies of both front and back), paid bills, payrolls, time and attendance record (itemizing time spent on U&CF Assistance grant project), contracts, etc. will be submitted with the "Request for Funds." Invoices will be marked "PAID" and referenced as to how payment was made (i.e. check number).

The Party of the Second Part agrees to comply with the following Federal cost and administrative regulations as applicable:

Non-Profit Organizations

Cost Principles, OMB CIR A-122

Admin. Regulations, OMB CIR A-110

Audits, OMB CIR-A 133

State and Local Governments

Cost Principles, OMB CIR A-87

Admin, Regulations, OMB CIR A-102 (rev.)

Audits, OMB CIR A-133

Universities

Cost Principles, OMB CIR A-21

Admin. Regulations, OMB CIR A-110

Audits, OMB CIR A-133

(15) **QUARTERLY REPORTS:**

The Party of the Second Part agrees to provide the Party of the First Part performance reports on all activities identified in the proposals as they occur. The performance reports will contain a summary of progress and activities for each activity within the proposal; indicate any problems and solutions in meeting requirements, and provide financial funds expenditure information for reimbursement as appropriate. The quarterly report form has information relating to writing to your federal congress person about the benefits of the U&CF program to your community / organization.

The schedule for submittal of the periodic performance reports shall be as follows:

PERIOD COVERED

June 10, 2006 – August 30, 2006

September 1, 2006 – December 31, 2006

January 1, 2007 – March 31, 2007

April 1, 2007 – May 15, 2007

SUBMITTAL DATE

September 15, 2006

January 15, 2007

April 15, 2007

June 1, 2007

In witness whereof the parties have caused this agreement to be executed by the following duly authorized officials:

PARTY OF THE SECOND PART

PARTY OF THE FIRST PART

This contract has been reviewed by the staff of the Party of the First Part. Its substantive terms are appropriate, and sufficient funds have been obligated for its performance.

BY:	BY:
TITLE: City Manager	TITLE: Urban and Community Forestry Partnership Coordinator
AGENCY: City of Roanoke, Virginia	AGENCY: Virginia Department of Forestry
DATE:	DATE:

ATTACHMENT A

PAYMENT PROCESS

The funds awarded under the grant are available on a **reimbursement basis** after verification of match and in accordance with a payment schedule agreed to in advance. Grantees must file a request for payment and send records of expenditures along with documented costs to the Virginia Department of Forestry. The UCF Program Administrator will evaluate the progress of the project to determine eligibility for full funding. *Grantees may request reimbursement as frequently as needed (within reason); or at least quarterly if there are qualifying expenditures.*

FEDERAL AND STATE REGULATIONS

Grantees must comply with all Federal regulations pertaining to Federal grants. Grantees are referred to OMB Circulars A-102 and A-110 which are the uniform administration requirements. Grantees are also referred to Section 3015, 3016, and 3017 of the Code of Federal Regulations and to cost principles outlined in OMB Circulars A-21, A-87, and A-122. Copies of these documents may be obtained from the Virginia Department of Forestry UCF Program Administrator upon request.

Grantees must certify that they are not debarred from this grant program. Grantees should not conduct business with individuals or organizations debarred from Federal grant projects. Applicants must document project approval by the authorized representative of the local governing body, organization or institution applying for the grant.

State and local government agencies must adhere to guidelines of the "Agency Procurement Manual" (January 1990) as required in Section 2.1-442 of the Code of Virginia.

RECORD KEEPING REQUIREMENTS

Records will be maintained according to all Federal regulations. The financial management system of the grantees shall meet the following standards:

- ◆ Records shall comply with generally accepted accounting principles.
- ◆ Records will document allowable costs.
- ◆ Records will be supported by source documentation, such as canceled checks, paid bills, payrolls, time and attendance records, contracts, etc. Invoices must be marked paid and be referenced as to how payment was made (i.e., check number). Records will be maintained for three years following final payment

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth of Virginia for the Urban and Community Forestry Grant, amending and reordaining certain sections of the 2006-2007 General and Grant Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 General and Grant Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund

Appropriations

Temporary Wages	01-620-4340-1004	\$ (8,887)
Transfer to Grant Fund	01-250-9310-9535	8,887

Grant Fund

Appropriations

Regular Employee Salaries	35-620-4349-1002	16,942
City Retirement	35-620-4349-1105	2,560
ICMA Match	35-620-4349-1116	650
FICA	35-620-4349-1120	1,296
Medical Insurance	35-620-4349-1125	2,070
Dental Insurance	35-620-4349-1126	123
Life Insurance	35-620-4349-1130	191
Disability Insurance	35-620-4349-1131	42

Revenues

Urban & Community Forestry Grant FY07	35-620-4349-4349	14,987
Urban & Community Forestry Grant FY07	35-620-4349-4350	8,887
Local Match		

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the acceptance of an Urban and Community Forest Grant to fund a part-time Urban Forestry Planner to work with the City's Urban Forester on natural resource stewardship for Roanoke forest and park land; and authorizing the execution of the necessary documents, upon certain terms and conditions.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City of Roanoke hereby accepts the Urban and Community Forest Grant, in the amount of \$14,987.00, to fund a part-time Urban Forestry Planner to work with the City's Urban Forester on natural resource stewardship for Roanoke forest and park land, and as more particularly set forth in the letter dated July 17, 2006, from the City Manager to this Council.

2. The City Manager and the City Clerk are hereby authorized to execute and attest, respectively, an agreement with the Virginia Department of Forestry, and any other forms necessary to accept such grant, such forms to be approved as to form by the City Attorney, and to furnish such additional information as may be required in connection with the City's acceptance of this grant.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Parking Fund Request to
Appropriate Funds from
Retained Earning

Background:

On June 19, 2006 the City Manager authorized an emergency procurement for professional engineering services and construction services to address certain construction irregularities in the façade of the Market Garage (formerly named the Century Station Parking Garage.) As a result of this work, additional work was authorized to further secure the garage and to remove the brick façade as detailed in Attachment A.

Considerations:

In order to fund these approved emergency contracts, an appropriation from the Parking Fund's retained earnings must be made in the amount of \$500,000. Once the bricks are removed, an evaluation will be made to determine the extent of repairs required for the garage.

Honorable Mayor and Members of Council
July 17, 2006
Page 2

Recommended Action:

Adopt the accompanying budget ordinance to appropriate funding in the amount of \$500,000 from the Parking Fund retained earnings to a Parking Fund Capital Project Account to be established by the Director of Finance to fund the contracts as shown on Attachment A.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:djm

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
R. Brian Townsend, Director of Planning, Building and Economic
Development
Sherman M. Stovall, Director of Management and Budget

CM06-00124

Attachment A
CM06-00124

Contracted Vendor	Nature of Work	Amount of Emergency Award
<i>Powers Fence</i>	<i>Provide and install perimeter chain link fencing and gates to secure the work site at the garage</i>	<i>\$14,017</i>
<i>Branch and Associates</i>	<i>Provide materials and construct 3 covered pedestrian walkways and one covered vehicular entrance to the deck for use by garage patrons. Removed the brick façade directly above the vehicular entrance to the garage.</i>	<i>\$50,600</i>
<i>Alan Amos</i>	<i>Complete removal of the balance of the brick façade on all four sides of the garage.</i>	<i>\$200,000</i>
<i>Sutton- Kennerly& Associates</i>	<i>Initial cursory building assessment of the façade</i>	<i>\$9,650</i>
<i>Sutton- Kennerly & Associates</i>	<i>Detailed condition assessment of the façade and field inspections as the brick façade is removed.</i>	<i>\$42,500</i>
<i>Alan Amos</i>	<i>Change order to remove two brick / precast panels from the roof of the garage</i>	<i>\$20,000</i>
<i>Contingency and design to repair the façade of the Market Garage</i>		<i>\$163,233</i>

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to transfer funding from the Parking Fund Retained Earnings for emergency engineering analysis and repair needs at the Market Garage, amending and reordaining certain sections of the 2006-2007 Parking Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 Parking Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Fund Balance		
Retained Earnings - Available	07-3348	\$ (500,000)
Appropriations		
Appropriated from General Revenue	07-540-8258-9003	500,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

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July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Alfred T. Dowe, Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Property Acquisition in the
Flood Plain

Background:

The City of Roanoke was awarded a grant from the Federal Emergency Management Agency (FEMA) through its Hazard Mitigation Grant Program. The grant is being administered through the Commonwealth of Virginia Department of Emergency Management and includes \$316,980 to purchase the flood prone residential properties indicated below. These properties have been repetitively damaged during flooding events. The grant requires a local match of \$105,640 for a total of \$422,620. Purchase of these properties is a voluntary program, generally at appraised value. After purchase, any structures located on the properties will be demolished. The properties will then be deeded as open space in perpetuity.

Three residential properties have been identified as candidates for property acquisition. The property owners have agreed to be candidates in FEMA Hazard Mitigation Grant Program.

Tax Number	Address
5050616	1921 Knollwood Road, SW
6140706	1909 Meadowbrook Road, NW
6140711	4420 Northwood Drive, NW

Sufficient funding for the local match has been identified as follows:

Peters Creek Flood Project, Mitigation Phase 4 (008-530-9801- 9001) \$73,355
Miscellaneous Storm Drains, Part 2 (008-530-9734-9003) \$32,285

Authorization is needed to move forward with procurement of title work, document preparation related to acquisition of the necessary property rights and the eventual demolition of the structures.

Recommended Action:

Adopt the accompanying budget ordinance establishing a revenue estimate in the amount of \$316,980 from the Hazard Mitigation Grant Program and appropriating funding in the same amount to an account to be established by the Director of Finance in the Capital Projects Fund.

Authorize the City Manager to execute the necessary documents, in a form approved by the City Attorney, to purchase the real property at tax numbers 5050616, 6140706, and 6140711 for the City of Roanoke.

Authorize the City Manager to execute deeds placing restrictions on the properties, providing that they will be maintained by the City as open space in perpetuity.

Authorize the demolition of any structures located on the properties and close the Hazard Mitigation Grant in accordance with the requirements of the Federal Emergency Management Agency.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:LEP:dps

c: William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management & Budget
Robert K. Bengston, PE, Director of Public Works
Philip C. Schirmer, PE, LS, City Engineer
Luke E Pugh, Civil Engineer II

CM06-00126

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Federal Emergency Management Agency through its Hazard Mitigation Grant Program to acquire properties in the flood plain, amending and reordaining certain sections of the 2006-2007 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Appropriated from Federal Grant Funds	08-530-9734-9002	\$ 316,980
---------------------------------------	------------------	------------

Revenues

FEMA-Flood Plain Property Acquisition	08-530-9844-9928	316,980
---------------------------------------	------------------	---------

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the acquisition and demolition of certain property located at 1921 Knollwood Road, S.W., 1909 Meadowbrook Road, N.W., and 4420 Northwood Drive, N.W., which is subject to repetitive flooding, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program administered through the Commonwealth of Virginia Department of Emergency Management; authorizing the closing of the Hazard Mitigation Grant upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager is authorized to execute the necessary documents, upon form approved by the City Attorney, to acquire the real property located at 1921 Knollwood Road, S.W., being Official Tax No. 5050616, owned by Timothy B. and Jann T. Tunnell, 1909 Meadowbrook Road, N.W., being Official Tax No. 6140706, owned by Afton N. McGhee, and 4420 Northwood Drive, N.W., being Official Tax No. 6140711, owned by Lenora M. and Christopher R. Stevens, subject to a satisfactory environmental site inspection and title review, under the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program administered through the Commonwealth of Virginia Department of Emergency Management, and to demolish the structures located thereon, and place restrictive covenants on the properties, upon the terms and conditions contained in the City Manager's July 17, 2006, letter to City Council.

2. Upon completion of the demolition of the structures located on these properties, the Hazard Mitigation Grant Program is to be closed in accordance with the requirements of the Federal Emergency Management Agency.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
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July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of Council:

Subject: Amendment of 2004/2005
CDBG/HOME Agreement with
the Roanoke Redevelopment
and Housing Authority (RRHA)

Background:

Each year, the RRHA conducts a variety of housing programs using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds provided by the City. At its special meeting held May 11, 2006, City Council approved the 2006-2007 Annual Update to the HUD Consolidated Plan, including the activities designated to receive CDBG and HOME funds for FY 2006-2007. Additional CDBG and HOME funds for three RRHA activities were among those approved:

1. \$707,000 to continue housing efforts in Gainsboro as part of *Project GOLD* ("Gainsboro Opportunities Leveraging Development"), the City's most recent effort to concentrate its CDBG and HOME resources;
2. \$250,000 for the *Special Needs Program*, which provides emergency and limited housing repairs for the elderly and other special needs populations; and
3. \$250,000 for the *Derelict Structures Program*, which, in coordination with the City, allows the RRHA to acquire, rehabilitate and sell such properties to homebuyers and/or offer subsidies to third parties to do so. A component of the *Derelict Structures Program* uses the "slums and blight" latitude provided under CDBG funds to rehabilitate housing for sale to homebuyers above the low- and moderate-income level, thus promoting income diversity in the city.

The total additional 2006-2007 CDBG and HOME funding being provided to the RRHA by this Amendment No. 2 to the Agreement is \$1,207,000. The RRHA will also receive

The Honorable Mayor and Members of Council
July 17, 2006
Page 2

an additional \$700,000 in 2006-2007 CDBG and HOME funding for the *Park Street Square* project, which is conducted under a separate agreement, for which action will be sought at a later date.

Considerations:

Section 2-124 of the City Code (1979, as amended) limits the City Manager's direct authority to a maximum of \$25,000 with respect to amending federally-assisted subgrant agreements. Therefore, City Council's authorization is required in order to implement the actions called for by this amendment. Extending the 2004-2005 RRHA agreement through this second amendment is more efficient than executing a completely new agreement and allows more effective administration of the multiple activities undertaken by the RRHA. All of the necessary funds have previously been appropriated or transferred into the accounts detailed in Attachment A of the draft amendment, included with this Council letter. In addition to extending the Agreement and adding funds, Amendment No. 2 also increases the number of units assisted.

Recommended Action:

Authorize the City Manager to execute Amendment No. 2 to the 2004-2005 CDBG/HOME Agreement with the RRHA, similar in form and content to the draft attached to this report, and approved as to form by the City Attorney.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB:fb

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Ford P. Weber, Director of Housing and Neighborhood Services
Frank E. Baratta, Budget Team Leader

CM06-00125

AMENDMENT No. 2

This Amendment No. 2 is made and entered into this first day of July 2006 by and between the City of Roanoke, Virginia, ("Grantee") and City of Roanoke Redevelopment and Housing Authority ("Subgrantee").

WITNESSETH:

WHEREAS, by Resolution No. 36838-090704, the Council of the City of Roanoke, Virginia, ("Council") approved the execution of a subgrant agreement between the Grantee and the Subgrantee ("Agreement"); and

WHEREAS, by Resolution No. 37391-051106, Council approved the Grantee's 2006-2007 Consolidated Plan Annual Update for submission to the U.S. Department of Housing and Urban Development ("HUD"), providing for, among other purposes, additional Community Development Block Grant ("CDBG") and HOME Investment Partnership Program ("HOME") funding for the Subgrantee's activities under the Agreement; and

WHEREAS, by Resolution No. 37423-061906 and by Ordinance No. 37422-061906, Council accepted and appropriated the 2006-2007 CDBG and HOME funds; and

WHEREAS, the Grantee and the Subgrantee desire to continue the housing activities provided for under the Agreement and by Resolution No. ____ - ____, Council approved the execution of this Amendment No. 2 to the Agreement, extending the time of performance, increasing the funding, and revising goals and other technical provisions;

NOW, THEREFORE, the Grantee and the Subgrantee do mutually agree to this Amendment No. 2, to effect the following changes:

1. The subsection entitled "Performance Factors" under Part 1, "SCOPE OF SERVICES," subpart b., "Special Needs Program," shall be revised to read:

* * * * *

Performance Factors: The Grantee has estimated from average cost data for the prior year of operations of these activities that as many as 53 units could be assisted with the project funds made available under this Agreement.

* * * * *

2. The subsection entitled "Performance Factors" under Part 1, "SCOPE OF SERVICES," subpart c., "Project GOLD ("Gainsboro Opportunities Leveraging Development")," shall be revised to read:

* * * * *

Performance Factors: The Grantee has estimated from average owner-occupied rehabilitation cost data

from the prior years that as many as 15 units could be assisted with the project funds made available under this Agreement.

* * * * *

3. The subsection entitled "Performance Factors" under Part I, "SCOPE OF SERVICES," subpart d., "Derelict Structures Program," a new subpart inserted into the Agreement by Amendment No. 1, shall be revised to read:

* * * * *

Performance Factors: Using the funding provided by the Grantee and leveraged by the Subgrantee and/or provided by third parties assisted by the Derelict Structures Program, a total of 11 derelict houses will be acquired, rehabilitated and sold to homebuyers.

* * * * *

4. Part I, "SCOPE OF SERVICES," subpart h., "Period of this Agreement," which was previously designated subpart g., but redesignated as subpart h. by Amendment No. 1, shall be revised to read:

* * * * *

- 1.h. Period of this Agreement -- This Agreement shall be effective as of July 1, 2004, and, unless amended, shall end June 30, 2007.

* * * * *

5. The CDBG and HOME funding made available by the Grantee under this Agreement shall be increased by \$1,207,000 to a total of \$3,619,175, in accordance with the revised Attachment A, "2004/2005 RRHA CDBG and HOME Agreement Financial Accounts," included with this Amendment No. 2.

The Agreement, dated July 1, 2004, and Amendment No.1, dated July 1, 2005, shall remain unchanged in all other terms and provisions.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 2 as of the day and year hereinabove written:

ATTEST:

FOR THE GRANTEE:

By _____
Mary F. Parker, City Clerk

By _____
Darlene L. Burcham, City Manager

WITNESS:

FOR THE SUBGRANTEE:

By _____
Sue Marie Worline, Executive Assistant

By _____
Ellis Henry, Executive Director

APPROVED AS TO CDBG/HOME ELIGIBILITY

APPROVED AS TO FORM

Dept. of Housing and Neighborhood Services

Assistant City Attorney

APPROVED AS TO EXECUTION

APPROPRIATION AND FUNDS REQUIRED
FOR THIS CONTRACT CERTIFIED

Assistant City Attorney

Director of Finance

Date _____

Account # _____ (See Attachment A)

**2004/2005 RRHA CDBG and HOME Agreement
Financial Accounts**

Source	Account #	Description	Project	Support	Admin	Total
CDBG	35-G05-0520-5432	Special Needs Program	119,974	0	0	119,974
CDBG	35-G05-0520-5433	Special Needs Program	0	38,128	0	38,128
CDBG	35-G05-0520-5434	Special Needs Program	0	0	8,694	8,694
CDBG	35-G06-0620-5432	Special Needs Program	75,000	0	0	75,000
CDBG	35-G06-0620-5433	Special Needs Program	0	23,835	0	23,835
CDBG	35-G06-0620-5434	Special Needs Program	0	0	5,435	5,435
CDBG	35-G06-0720-5432	Special Needs Program	175,000	0	0	175,000
CDBG	35-G06-0720-5433	Special Needs Program	0	75,000	0	75,000
Subtotal			369,974	136,963	14,129	521,066
CDBG	35-G05-0520-5454	Project GOLD	220,321	0	0	220,321
CDBG	35-G05-0520-5430	Project GOLD	0	172,464	0	172,464
CDBG	35-G05-0520-5453	Project GOLD	0	0	38,228	38,228
CDBG	35-G06-0620-5454	Project GOLD	258,691	0	0	258,691
CDBG	35-G06-0620-5430	Project GOLD	0	255,153	0	255,153
CDBG	35-G06-0620-5453	Project GOLD	0	0	69,085	69,085
CDBG	35-G06-0720-5454	Project GOLD	271,178	0	0	271,178
CDBG	35-G06-0720-5430	Project GOLD	0	182,100	0	182,100
CDBG	35-G05-0520-5469	Project GOLD – Cherry Hill Acquisition	237,186	0	0	237,186
CDBG	35-G05-0520-5489	Project GOLD – Cherry Hill Acquisition	0	28,000	0	28,000
CDBG	35-G05-0520-5499	Project GOLD – Cherry Hill Acquisition	0	0	1,600	1,600
CDBG	35-G06-0620-5469	Project GOLD – Cherry Hill Acquisition	341,714	0	0	341,714
Subtotal			1,329,090	637,717	108,913	2,075,720
CDBG	35-G04-0420-5397	Derelict Structures Program	225,546	0	0	225,546
CDBG	35-G04-0420-5497	Derelict Structures Program	0	65,000	0	65,000
CDBG	35-G04-0420-5597	Derelict Structures Program	0	0	4,000	4,000
CDBG	35-G05-0520-5435	Derelict Structures Program - Non-Low/Mod	100,000	0	0	100,000
CDBG	35-G05-0720-5397	Derelict Structures Program - Non-Low/Mod	175,000	0	0	175,000
CDBG	35-G05-0720-5497	Derelict Structures Program		75,000	0	75,000
Subtotal			500,546	140,000	4,000	644,546
Total CDBG Funds			2,199,610	914,680	127,042	3,241,332
HOME	35-090-5312-5454	Project GOLD	111,709	NA	0	111,709
HOME	35-090-5312-5453	Project GOLD	0	NA	12,412	12,412
HOME	35-090-5364-5454	Project GOLD	123,722	NA	0	123,722
HOME	35-090-5364-5453	Project GOLD	0	NA	30,000	30,000
HOME	35-615-8119-5507	Project GOLD (Local HOME Match Funds)	100,000	NA	0	100,000
Subtotal			335,431	NA	42,412	377,843
Total HOME Funds			335,431	NA	42,412	377,843
TOTAL CDBG AND HOME			2,535,041	914,680	169,454	3,619,175

IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA,

SST
11/2/06

A RESOLUTION authorizing the appropriate City officials to execute an Amendment No. 2 to the 2004-2005 Agreement with the City of Roanoke Redevelopment and Housing Authority ("RRHA") to conduct additional housing activities using Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program ("HOME") funds, upon certain terms and conditions.

WHEREAS, by Resolution No. 36838-090704, adopted September 7, 2004, the Council of the City of Roanoke, Virginia ("Council"), authorized appropriate City officials to enter into the 2004-2005 Agreement with the RRHA to conduct certain housing activities using CDBG and HOME funds; and

WHEREAS, by Resolution No. 37391-051106, adopted May 11, 2006, Council approved, among other purposes, additional funding for additional RRHA housing activities;

THEREFORE, BE IT RESOLVED by Council that the City Manager, and the City Clerk, are hereby authorized to execute and attest, respectively, on behalf of the City, an Amendment No. 2 to the 2004-2005 agreement with the RRHA, approved as to form by the City Attorney, within the limits of funds and for the purposes as are more particularly set forth in the City Manager's letter dated July 17, 2006.

ATTEST:

City Clerk.



CITY OF ROANOKE

OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

July 17, 2006

Honorable C. Nelson Harris, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Procurement of Towing Services for
Tows Requested by Police
CM06-0134

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

VHS

IN THE COUNCIL FOR THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the City Manager to procure police requested towing services.

WHEREAS, a number of citizens have raised concerns and voiced complaints with the Police Department regarding towing services currently provided through the City's list of towing companies;

WHEREAS, many of these concerns have related to inequitable pricing charged by the towing companies currently on the City's towing list;

WHEREAS, by law the only way that the City can regulate the price of such police requested towing services is by contracting for such police requested towing services;

WHEREAS, pursuant to Section 46.2-1217, Code of Virginia, the governing body of any county, city or town may contract for services rendered to provide police requested towing services; and

WHEREAS, the City Manager has recommended that police requested towing services be procured by contract to better ensure that the City's citizens receive quality service at a fair and equitable price.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is hereby authorized for and on behalf of the City to procure

and contract for police requested towing services with one or more towing contractors.

2. The City Manager is hereby authorized to procure such services in such manner as she deems most appropriate consistent with the procurement procedures set forth for by law.

3. The City Manager is hereby authorized to execute such contract(s) with one or more towing contractors and any other necessary appropriate documents, in such form as is approved by the City Attorney.

ATTEST:

City Clerk.

ROANOKE CITY SCHOOL BOARD
P. O. Box 13145
Roanoke, Virginia 24031
(540) 853-2381

7. a.

July 17, 2006

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

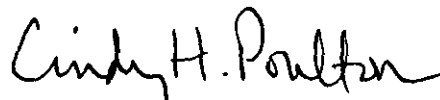
Dear Members of Council:

As the result of official School Board action at its meeting on July 11, the Board respectfully requests City Council to appropriate monies to the following grant programs:

- \$7,500.00 for the Edgar A. Thurman Charitable Foundation for Children to provide services to needy and necessitous children. This continuing program will be reimbursed with a donation.
- \$5,000.00 for the Algebra Readiness Summer Program to enable middle and high school students to attend summer algebra readiness classes. This new program will be one hundred percent reimbursed with state funds.

The Board thanks you for your approval of the above request.

Sincerely,



Cindy H. Poulton, Clerk

re

cc: School Board Chairman
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Newman (with
Accounting details)



CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461
P.O. Box 1220
Roanoke, Virginia 24006-1220
Telephone: (540) 853-2821
Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: School Board Appropriation Request

As a result of official School Board action at its meeting on July 11, 2006, the Board has respectfully requested that City Council appropriate the following funds:

- \$7,500 for the Edgar A. Thurman Charitable Foundation for Children to provide services to needy children. This continuing program will be reimbursed with a donation.
- \$5,000 for the Algebra Readiness Summer Program to enable middle and high school students to attend summer algebra readiness classes. This new program will be one hundred percent reimbursed with state funds.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

A handwritten signature in black ink that reads "Jesse A. Hall". The signature is written in a cursive, flowing style.

Jesse A. Hall
Director of Finance

JAH:ca

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
Marvin T. Thompson, Superintendent of City Schools

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding from the Commonwealth and a private donor for the Algebra Readiness Summer Program and Thurman Foundation Grant, amending and reordaining certain sections of the 2006-2007 School Fund Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 School Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Compensation of Teachers	30-062-6902-0121-6108	\$4,180
Social Security	30-062-6902-0201-6108	320
Educational and Recreational Supplies	30-062-6902-0614-6108	500
Supplements	30-063-6617-0129-6100	6,225
Social Security	30-063-6617-0201-6100	475
Conventions/Education	30-063-6617-0554-6100	250
Other Miscellaneous Payments	30-063-6617-0586-6100	330
Educational and Recreational Supplies	30-063-6617-0614-6100	220

Revenues

State Grant Receipts	30-062-6902-1100	5,000
Outside Third Parties	30-063-6617-1105	7,500

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ROANOKE CITY SCHOOL BOARD
P. O. Box 13145
Roanoke, Virginia 24031
(540) 853-2381

7. b.

July 17, 2006

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

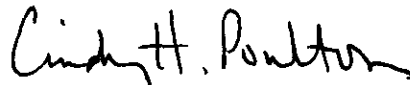
Dear Members of Council:

As the result of official School Board action at its meeting on July 11, the Board respectfully requests City Council to transfer funds from the FY2006-07 Debt Service Reserve in the amount of \$700,000 to provide for a portion of the increased cost of construction for Phase II of Patrick Henry High School. The appropriation of these funds to the project will provide interim funding for the project for the period during which permanent funding sources are identified. The debt reserve funds are budgeted in the General Fund.

The Board further requests that \$600,000 be transferred from the FY2006-07 Debt Service Reserve to provide for the balance of the cost of construction for Monterey Elementary School renovations. The debt reserve funds are budgeted in the General Fund.

The Board thanks you for your approval of the above request.

Sincerely,



Cindy H. Poulton, Clerk

re

cc: School Board Chairman
Mr. Marvin T. Thompson
Mr. Bernard J. Godek
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Jim Newman (with
Accounting details)



CITY OF ROANOKE
DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice-Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Transfer of Funds

As a result of official School Board action at its meeting on July 11, 2006, the Board has respectfully requested that City Council transfer funds from the FY06-07 debt service contingency in the amount of \$700,000 to provide for a portion of the increased cost of construction for Phase II of Patrick Henry High School (31-065-6066-9003-6896). The appropriation of these funds to the project will provide interim funding for the project for the period during which permanent funding sources are identified.

The Board further requests that \$600,000 be transferred from the FY06-07 debt service contingency to provide for the balance of the cost of construction for Monterey Elementary School renovations (31-065-6074-9003-6896).

The debt contingency funds are budgeted in the School's General Fund and are available for one-time allocation to these capital projects.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to transfer funding as outlined above.

Sincerely,

A handwritten signature in cursive script that reads "Jesse A. Hall".

Jesse A. Hall

Director of Finance

JAH:ca

c: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Sherman M. Stovall, Director of Management and Budget
Marvin T. Thompson, Superintendent of City Schools

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to transfer funding from the debt service contingency for the Monterey Elementary School and Patrick Henry High School capital projects, amending and reordaining certain sections of the 2006-2007 School and School Capital Projects Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2006-2007 School and School Capital Projects Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

School Fund

Appropriations

Interest	30-066-7700-0902-6998	\$(1,300,000)
Transfer to School Capital Projects Fund	30-066-7700-9531-6998	1,300,000

School Capital Projects Fund

Appropriations

Appropriated from General Revenue	31-065-6074-9003-6896	600,000
Appropriated from General Revenue	31-065-6066-9003-6896	700,000
Revenues		
Transfer from School Fund	31-110-1234-1127	1,300,000

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Dalton Place, LLC, and A & J Holdings, Inc., to permanently vacate, discontinue and close Granger Road, S.W.

Planning Commission Action:

Planning Commission held a public hearing on Thursday, June 15, 2006. By a vote of 6-0 (Mr. Manetta absent), the Commission recommended that City Council approve the requested closure.

Background:

The Petitioners and the owners of Official Tax Map No. 5470206 have agreed to vacate Granger Road and divide the right-of-way among them in a manner consistent with their current lot configurations. A portion of the house on Official Tax Map No. 5470206 is encroaching into Granger Road. The requested vacation, if approved, will correct this encroachment by adding the necessary land to this property. The remainder of the vacated right-of-way is proposed to be combined with a parcel in the Pheasant Ridge Development and will be used in conjunction with a future phase.

After the Petitioner presented his reasons for requesting the vacation, Mr. Chrisman asked how the house on Official Tax Map No. 5470206 was built with a portion of it in the right-of-way. The Petitioner replied that he thought it had to do with the siting of the house on the property prior to it being annexed from Roanoke County.

After the staff report, Mr. Williams asked if the listed price was fair market value. Staff replied that it was the assessed value. Mr. Talevi asked staff to clarify the price in the staff report relative to the allocation of the vacated property. Staff replied that the price is based on how much of the vacated property the Petitioner will receive. The owner of Official Tax Map No. 5470206 will acquire some of the vacated right-of-way at no cost, thus the Petitioner is being charged for the remainder.

Considerations:

All of the property adjoining Granger Road is currently zoned R-7, Residential Single-family District. The Petitioners' properties are all vacant with the exception of Official Tax Map No. 5470302, which has a single-family house on it. Official Tax Map No. 5470206 and the other properties to the west of Granger Road also have single-family houses.

Staff received comments from AEP, Verizon, the Western Virginia Water Authority and Roanoke Gas, all of which stated no objection to the request. The petitioner will be responsible for providing a public utility easement and relocating any facilities as needed.

Granger Road is an unimproved street, which is below the grade of Griffin Road, the only street that it connects to. There are no other portions of Griffin Road within the City. The steep grade of the street has prohibited its development. The Petitioners do not plan to use the vacated rights-of-way for access. The City has no plans to improve Granger Road or to permit it to be improved.

The Department of Real Estate Valuation has assessed the property at a value of \$.57 per square foot.

Section 30.14 (5) of the Code of the City of Roanoke states the following standards for street and alley vacation requests:

"Following the hearing before the city planning commission on an application to alter or vacate a street or alley, the commission shall report in writing to the city council whether in its opinion, any, and if any, what inconvenience would result if the application were approved by council, and the commission shall report and make a recommendation to council as to whether the application should be approved."

Recommendation:

The Planning Commission recommends vacation of Granger Road. The right-of-way provides no convenient means for current or future access to adjacent properties. The petitioner should be charged a price of \$8,130 and is subject to the following conditions:

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Such plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress. Such plat will allocate sufficient property to Official Tax Map No. 5470206 that will result in the existing structure on this property being entirely on a legal lot of record.
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of six months from the date of adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,



Richard A. Rife, Chairman
City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager
William M. Hackworth, City Attorney
Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Application of Dalton Place, LLC, and A & J Holdings, LLC for vacation of Granger Road

MEMBERS OF COUNCIL:

Amended APPLICATION FOR VACATING, DISCONTINUING AND CLOSING OF GRANGER ROAD

Dalton Place, LLC and A & J Holdings, Inc. apply to have Granger Road, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2 -2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This paper street is more particularly described on the survey attached, Exhibit A, and as follows:

Granger Road lies between properties identified as Tax Map #5470207, #5470301, #5470205 and #5470206. Tax parcel #5470207 and #5470301 are owned by the petitioners.

The Petitioners, Dalton Place, LLC and A & J Holdings, Inc., state that the grounds for this application are as follows:

- (1) All landowners whose property adjoins the property to be vacated have been notified and are in agreement with this application.
- (2) The property to be vacated is presently a paper street.
- (3) The applicant desires to use the property to be vacated for the realigning of lot lines to correct the encroachment of the home of Paul Andrew and Joy Faye Paige, Exhibit B. The Southern Hills area was annexed by the City of Roanoke from Roanoke County. Several adjoining lots have encroachment and access issues that predate the annexation. The paper street closure allows the City and applicants to correct this encroachment. The residual area of Granger Road will be platted to Dalton Place, LLC, which has the same common ownership as A & J Holdings, LLC. The additional area will be used for a residential development by Dalton Place, LLC.

WHEREFORE, Dalton Place, LLC and A & J Holdings, Inc., respectfully request that the above described road be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted this 8TH day of MAY 2006.

By:


James R. Smith

Managing Partner

Dalton Place, LLC
A & J Holdings, Inc.
Contact: Hunter Smith
4415 Pheasant Ridge Road, Suite 303
Roanoke, Virginia 24014
(540) 772-5090

**APPLICATION FOR VACATING, DISCONTINUING
AND CLOSING OF GRANGER ROAD**

PROPERTIES ADJOINING OR ABUTTING GRANGER ROAD:

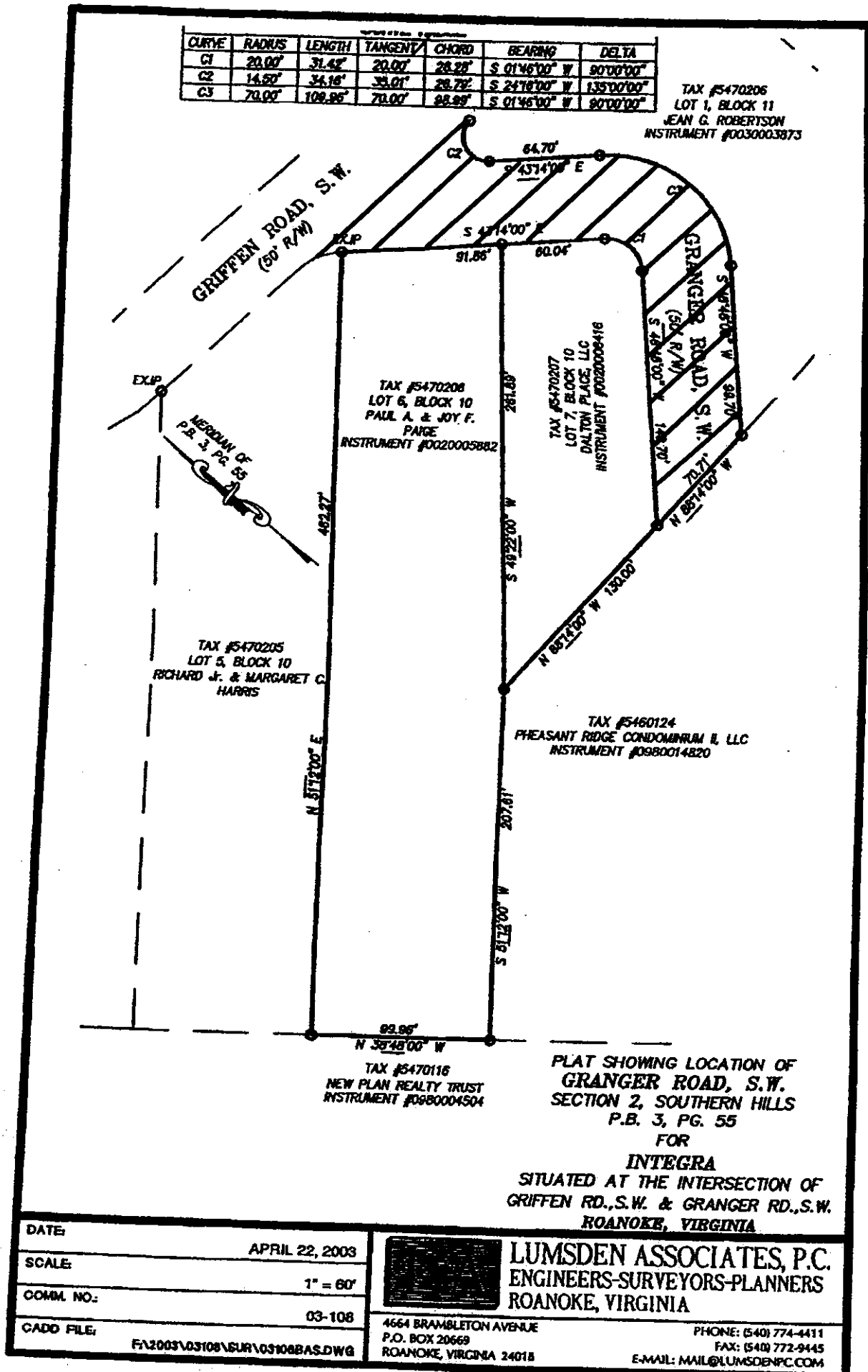
5470301 - GRIFFIN ROAD
A & J HOLDINGS, INC.
4415 PHEASANT RIDGE ROAD, #303
ROANOKE VA 24014

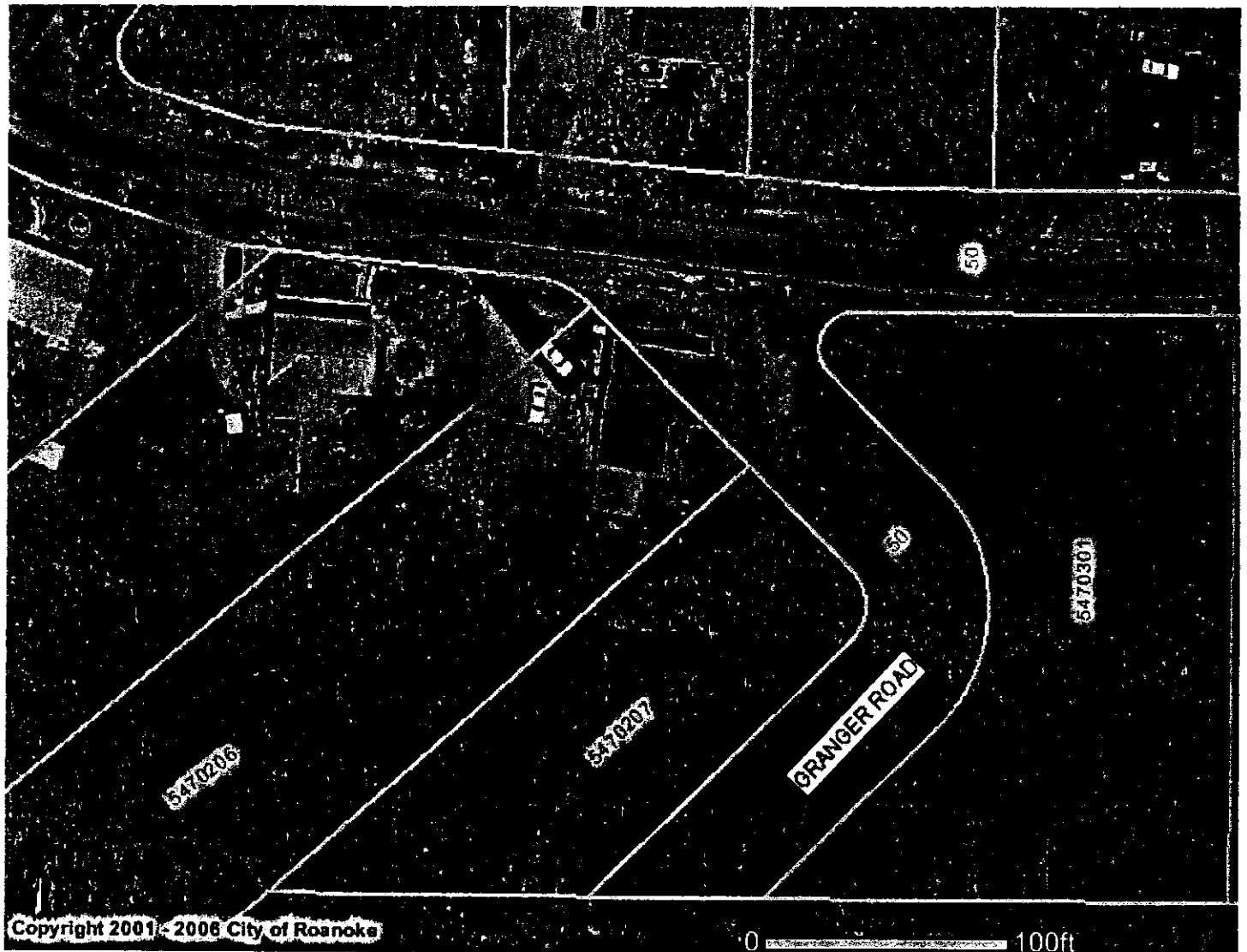
5470205 - 4313 GRIFFIN ROAD
HARRIS RICHARD JR & MARGARET C
4313 GRIFFIN RD SW
ROANOKE VA 24014

5470206 - 4323 GRIFFIN ROAD
PAIGE PAUL ANDREW & JOY FAYE
4323 GRIFFIN RD SW
ROANOKE VA 24014

5470207 - GRANGER ROAD
DALTON PLACE LLC
4415 PHEASANT RIDGE RD
ROANOKE VA 24014

5460124 - 4428 PHEASANT RIDGE ROAD, LOT 2A
PHEASANT RIDGE CONDOMINIUMS II, LL
4415 PHEASANT RIDGE ROAD, 300-303
ROANOKE, VA 24014

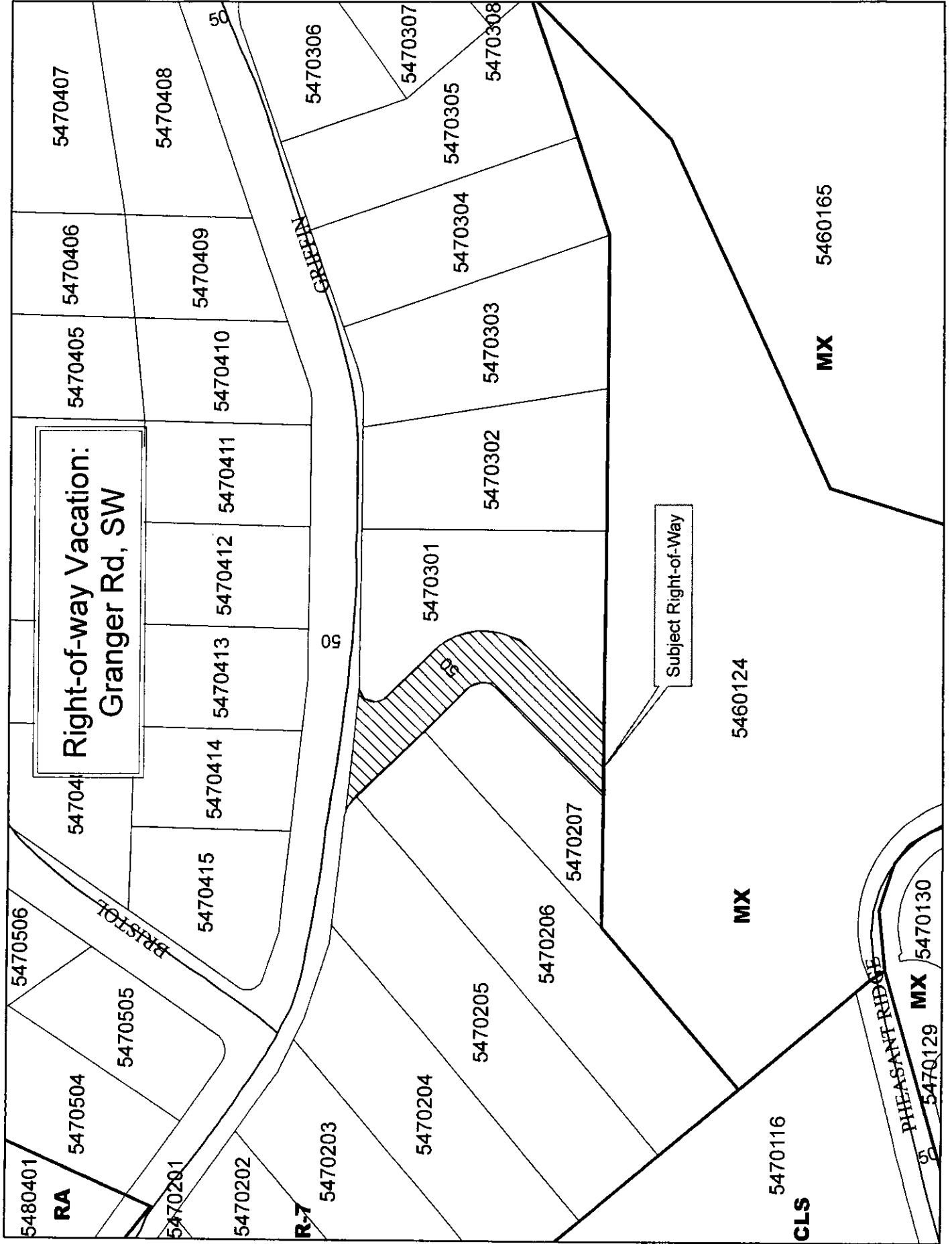




ROANOKE CITY TAX MAP SHOWING ENCROACHMENT ONTO GRANGER ROAD



ROANOKE CITY TAX MAP SHOWING GRANGER ROAD AND NEIGHBORS



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE permanently vacating, discontinuing and closing certain public rights-of-way in the City of Roanoke, as more particularly described hereinafter; and dispensing with the second reading by title of this ordinance.

WHEREAS, Dalton Place, LLC, and A & J Holdings, Inc., filed an application with the Council of the City of Roanoke, Virginia ("City Council"), in accordance with law, requesting City Council to permanently vacate, discontinue and close the public rights-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by City Council on July 17, 2006, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public rights-of-way have been properly notified; and

WHEREAS, from all of the foregoing, City Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public rights-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public rights-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

Granger Road, S.W., lies between properties identified as Tax Map Nos. 5470207, 5470301, 5470205 and 5470206,

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as City Council is empowered so to do with respect to the closed portion of the rights-of-way, reserving however, to the City of Roanoke and any utility company or public authority, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sanitary sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public rights-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public rights-of-way of any such municipal installation or other utility or facility by the owner thereof.

BE IT FURTHER ORDAINED that the applicants shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court

for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the rights-of-way, and allocating sufficient property to Official Tax No. 5470206 that will result in the existing structure on the property being entirely on a legal lot of record.

BE IT FURTHER ORDAINED that prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicants shall give to the Treasurer for the City of Roanoke a certified check or cash in the amount of Eight thousand one hundred thirty dollars and no cents (\$8,130.00) as consideration pursuant to §15.2-2008, Code of Virginia (1950), as amended, for the vacated right-of-way.

BE IT FURTHER ORDAINED that the applicants shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the applicants, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicants shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for

the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

July 17, 2006

Architectural Review Board
Board of Zoning Appeals
Planning Commission

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Mayor
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from the Metropolitan Community Church of the Blue Ridge represented by Maryellen F. Goodlatte, Attorney, that property on Jamison Avenue, S.E. bearing Official Tax No. 4120113, currently zoned RM-2, Residential Mixed Density District, be rezoned to IN, Institutional District, subject to the condition that the property be developed in accordance with the site plan enclosed with the request.

Planning Commission Action

Planning Commission public hearing was held on Thursday, June 15, 2006. In response to Commission comments during the public hearing, the applicant amended their petition to rezone to include an additional proffered condition. By a vote of 6-0 (Mr. Manetta absent), the Commission recommended that City Council approve the rezoning as provided in the amended petition.

Background

The petitioner owns and operates a place of worship (Official Tax No. 4120112) located at 806 Jamison Avenue, S.E., that is currently zoned IN, Institutional District. This property is located immediately adjacent to the subject parcel of this petition for rezoning. The existing church building abuts the surrounding property line on this parcel.

The subject parcel is currently zoned RM-2, Residential Mixed Density District. The owner wishes to rezone the property to IN, Institutional District, to permit the construction of an addition to provide for stairs and an elevator for the church facility.

As noted above, the existing church building abuts the property line and does not allow adequate space to construct the addition.

Two handicapped parking spaces will also be provided on the subject property with access to the elevator in the addition via a concrete walkway. The parking spaces will be accessed via an alley at the rear of the property. The front portion of the property will remain open space along Jamison Avenue.

The Petition to Rezone was filed on May 3, 2006. An Amended Petition to Rezone was filed on June 20, 2006.

Considerations

Surrounding Zoning Districts and Land Uses

The subject property is located in the Belmont Neighborhood on Jamison Avenue, near its intersection with 8th Street, and is currently zoned RM-2, Residential Mixed Density District. Immediately surrounding the property is additional RM-2, Residential Mixed Density District with the exception of the adjacent church that is currently zoned IN, Institutional District. Further east on the 800 block of Jamison Avenue is a CN, Commercial-Neighborhood District while to the east on the 700 block of Jamison Avenue RM-1 and RM-2, Mixed Density Residential Districts are present.

Immediately surrounding land use is as follows (all zoned RM-2, Residential Mixed District unless otherwise noted):

- Three lots, owned by the petitioner, currently used as parking.
- A single-family residence to the northwest.
- Single family residences to the east and northeast.
- Single family residences to the south across Jamison Avenue.
- A vacant lot to the southwest across Jamison Avenue.
- The petitioner's church property to the west (IN, Institutional District).

Prior to the City's comprehensive rezoning on December 5, 2005 both the subject property and the adjacent property housing the church structure were zoned RM-2 Residential Multifamily, Medium Density District. The prior zoning ordinance allowed churches and other places of worship in an RM-2 District.

Conditions Proffered by the Petitioner

The petitioner proffers the following condition:

1. The property will be developed in substantial conformity with the Site Development Plan made by Hughes Associates Architects, dated April 28, 2006, and attached to the petition as Exhibit B, subject to any changes required by the City during the Comprehensive Site Plan review.

2. The exterior appearance of the proposed addition shall be in substantial conformity with the "Proposed Elevation" made by Hughes Associates Architects dated April 28, 2006, and attached to this petition as Exhibit C.

Compliance with the Zoning Ordinance

Presently, the principle use of the subject property is open space that supports the adjacent church facility. Under the current zoning, a place of worship is not permitted on the subject parcel and the accessory use of the property as part of a place of worship is nonconforming.

If the property is rezoned to IN, Institutional District, the church addition can be accommodated and the accessory use of the remaining open space to support church functions is also appropriate. Staff notes that the expansion of the IN, Institutional District, will require establishment of a Class B buffer between the proposed construction and adjacent residential property.

Compatibility with the Neighborhood Plan

The Belmont-Fallon Neighborhood Plan recognizes the Jamison-Bullitt Avenue corridor as the primary east-west transportation route through the neighborhood that connects village centers in the neighborhood. The plan identified future land use in the 800 block of Jamison Avenue as a combination of mixed density residential and commercial zoning with the encouragement of village center/commercial development along the 9th Street corridor extending from Highland Avenue across Jamison Avenue to Tazwell Avenue.

Planning Commission Discussion

Planning Commission Discussion was focused on the exterior appearance of the addition.

- The Planning Commission asked if the elevation of the addition presented by the petitioner was proffered. The representative of the petitioner stated that it was not proffered but could be offered as a condition if the Planning Commission wanted it so. Planning Commission (Mr. Williams) stated that they would like to see the details proffered. The representative of the petitioner offered a second proffered condition (noted above) that states that the addition will be constructed in substantial conformity with the elevation presented to the Planning Commission.
- The Planning Commission asked if the elevation presented by the petitioner was enforceable by the City and staff responded that the proffered condition is enforceable.

Recommendation

By a vote of 6-0, the Commission recommends that City Council approve the rezoning of the subject property from RM-2, Mixed Density Residential District, to IN, Institutional District, including an additional proffer offered by the applicant during the public hearing as contained in an amended petition. The petition provides for practical use of the property consistent with the general mixture of uses along the Jamison/Bullitt Avenues and 9th Street Corridors.

Respectfully submitted,

A handwritten signature in black ink that reads "Richard A. Rife". The signature is written in a cursive, flowing style.

Richard A. Rife, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Maryellen F. Goodlatte, Attorney for the Petitioner

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Rezoning of one tract of land located on Jamison Avenue, S.E., and identified as official Tax Map Number 4120113, from RM-2, Residential Mixed Density, to IN, Institutional, such rezoning to be subject to certain conditions.

AMENDED PETITION

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA:

Petitioner Trustees of Metropolitan Community Church of the Blue Ridge own real property in the City of Roanoke, Virginia, containing 0.1194 acres located on Jamison Avenue, S.E., and having official Tax Map Number 4120113. The property is currently zoned RM-2, Residential Mixed Density. A map of the property to be rezoned is attached as Exhibit A.

Pursuant to Section 36.2-541, Code of the City of Roanoke (1979), as amended, Petitioner requests that the said property be rezoned from RM-2, Residential Mixed Density, to IN, Institutional, subject to certain conditions set forth below, for the purpose of installing an elevator in order to make the church building located at 806 Jamison Avenue, S.E., official Tax Map Number 4120112, handicap accessible. The site development plan prepared by Hughes Associates Architects, dated April 28, 2005, is attached hereto as Exhibit B ("Site Development Plan").

Your petitioner believes the rezoning of the property will further the intent and purposes of the City's Zoning Ordinance and its Comprehensive Development Plan.

Your petitioner hereby proffers and agrees that if the said tract is rezoned as requested, that the rezoning will be subject to, and that it will abide by, the following conditions:

1. The property will be developed in substantial conformity with the Site Development Plan made by Hughes Associates Architects, dated April 28, 2005, and attached to this petition as Exhibit B, subject to any changes required by the City during the Comprehensive Site Plan review.

2. The exterior appearance of the proposed addition shall be in substantial conformity with the "Proposed Elevation" made by Hughes Associates Architects, dated April 28, 2005, and attached to this petition as Exhibit C.

Attached as Exhibit D are the names, addresses and tax numbers of the owners of all lots or properties immediately adjacent to, immediately across a street or road from the property to be rezoned.

WHEREFORE, your Petitioner requests that the above-described tract be rezoned as requested in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

This Amended Petition is respectfully submitted this 20th day of June, 2006.

TRUSTEES OF METROPOLITAN COMMUNITY
CHURCH OF THE BLUE RIDGE

By: Maryellen F. Goodlatte
Of Counsel

Maryellen F. Goodlatte, Esq.
Glenn, Feldmann, Darby & Goodlatte
210 1st Street, S.W., Suite 200
P. O. Box 2887
Roanoke, Virginia 24001-2887
(540) 224-8018 - Telephone
(540) 224-8050 - Facsimile
mgoodlatte@gfdg.com

Trustees of Metropolitan Community Church of the Blue Ridge, owner of the property subject to this amended petition hereby consents to this rezoning.

TRUSTEES OF METROPOLITAN COMMUNITY
CHURCH OF THE BLUE RIDGE

By: Rev Catherine Houchins
The Reverend Catherine Houchins

By: Dale Weddle
Dale Weddle

By: Sally Seagraves
Sally Seagraves

By: Dana E Drew
Dana Drew

EXHIBIT A

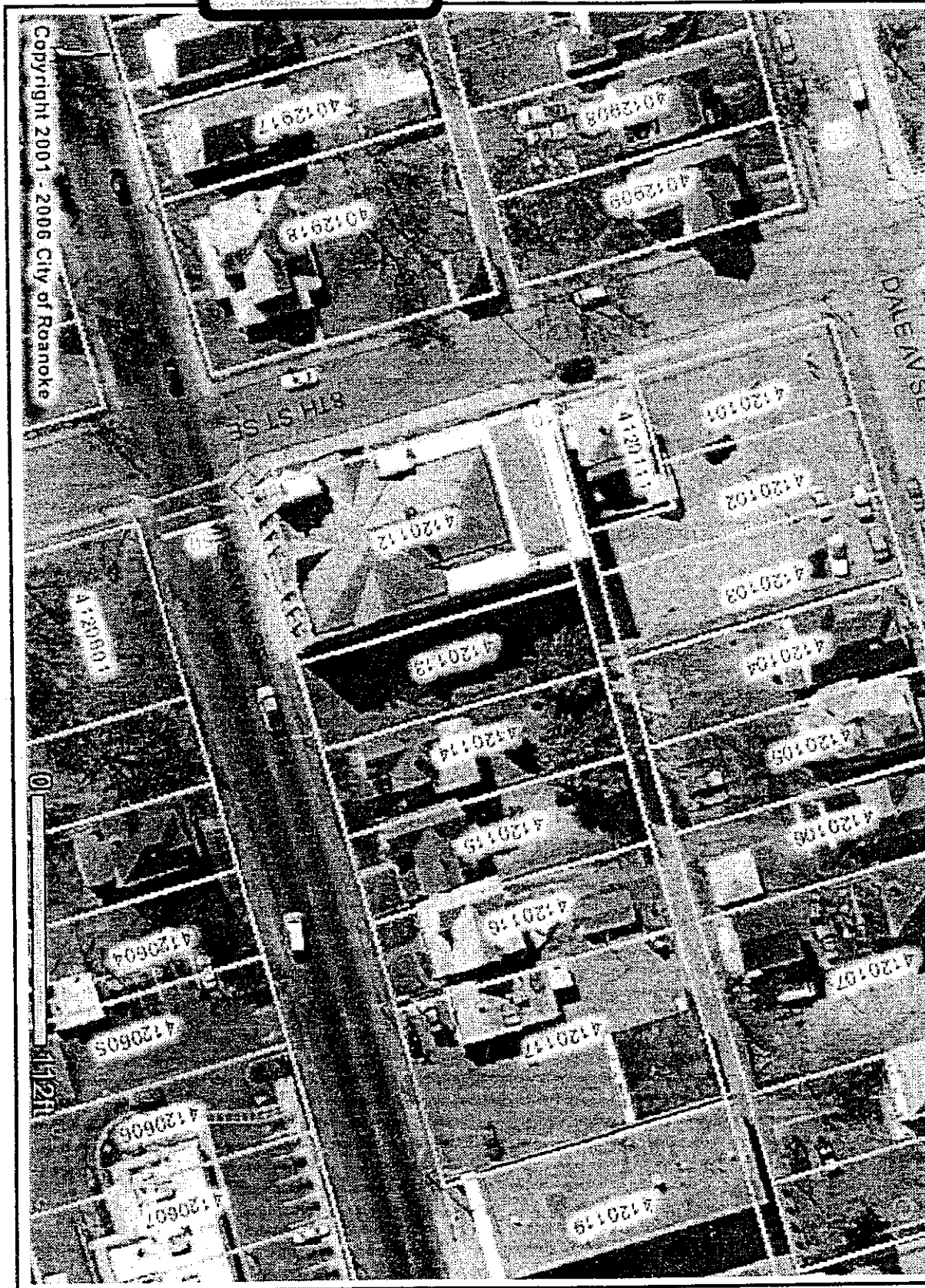
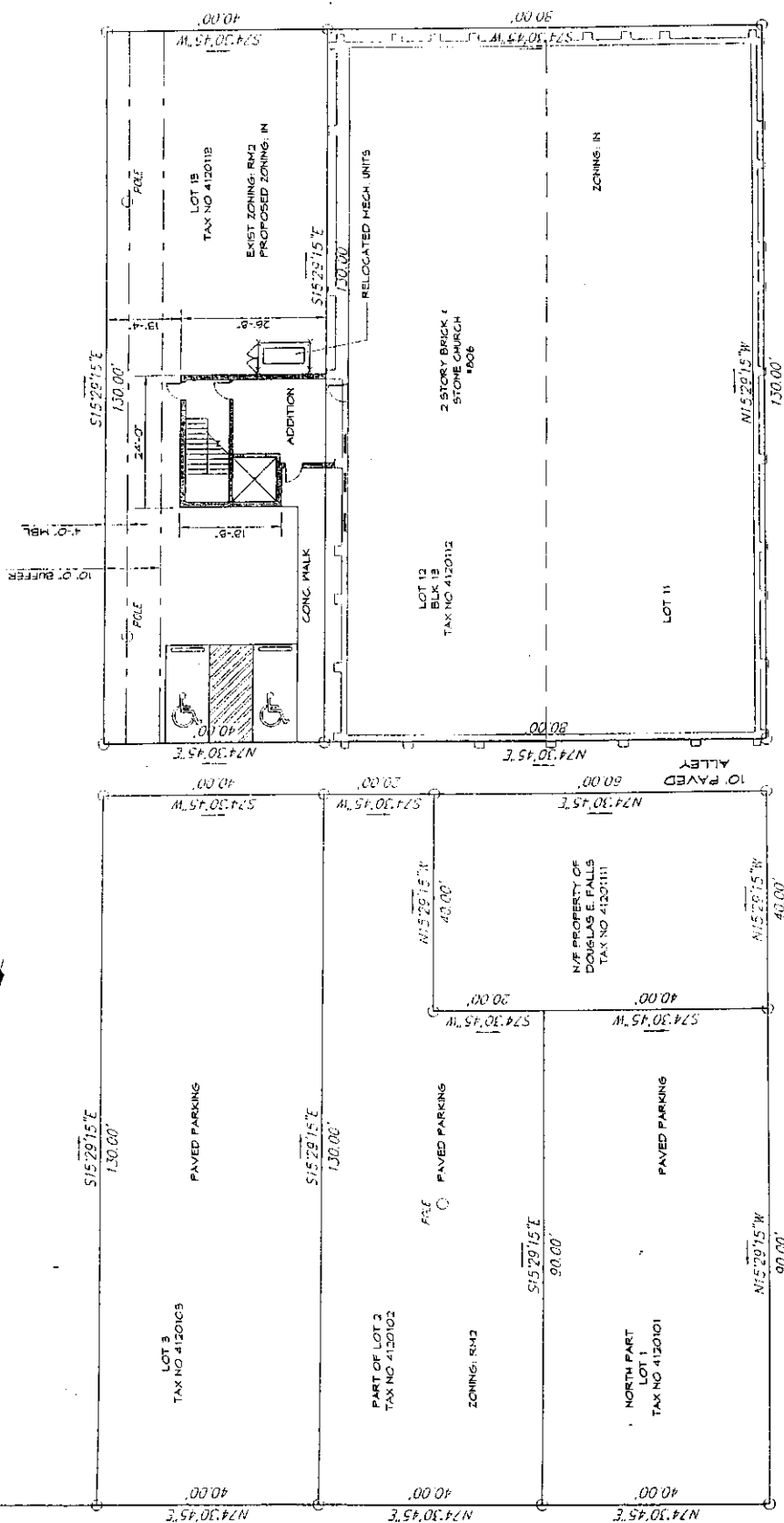


EXHIBIT B



8TH STREET, S.E.

PROPOSED SITE PLAN

DATE: 10-20-2020

DATE OF PLAN
 7-7-77
 7-7-77
 7-7-77
 7-7-77

HUGHES
 ASSOCIATES
 ARCHITECTS

CONTRACT NO. 1-1
 PROJECT NO. 100
 PROJECT: VARIOUS IMPROVEMENTS

THE ARCHITECT
 100 JAMISON AVENUE SE
 ATLANTA, GEORGIA 30316

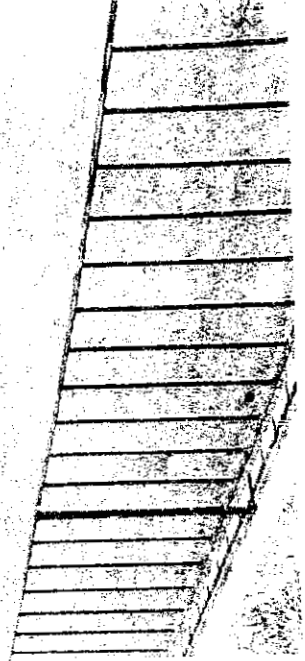
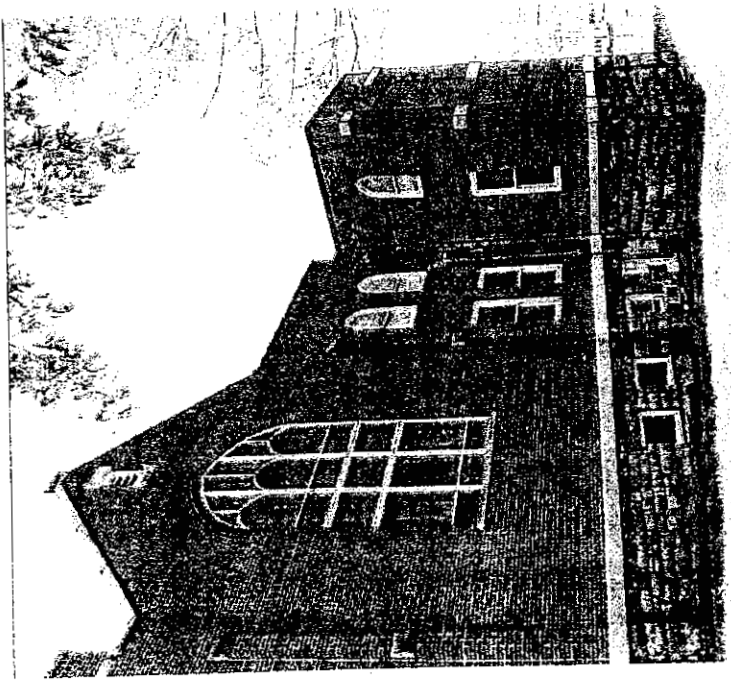
REASONING FOR
 METROPOLITAN
 COMMUNITY CHURCH
 100 JAMISON AVENUE SE
 ATLANTA, GEORGIA 30316

EXHIBIT C

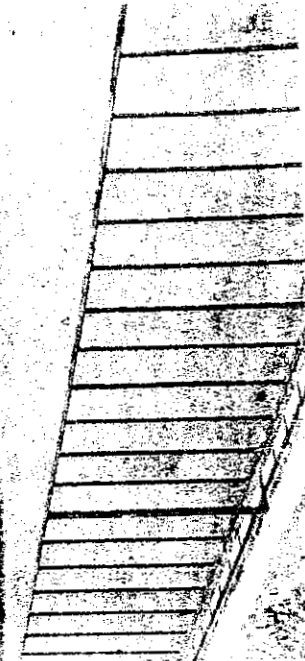
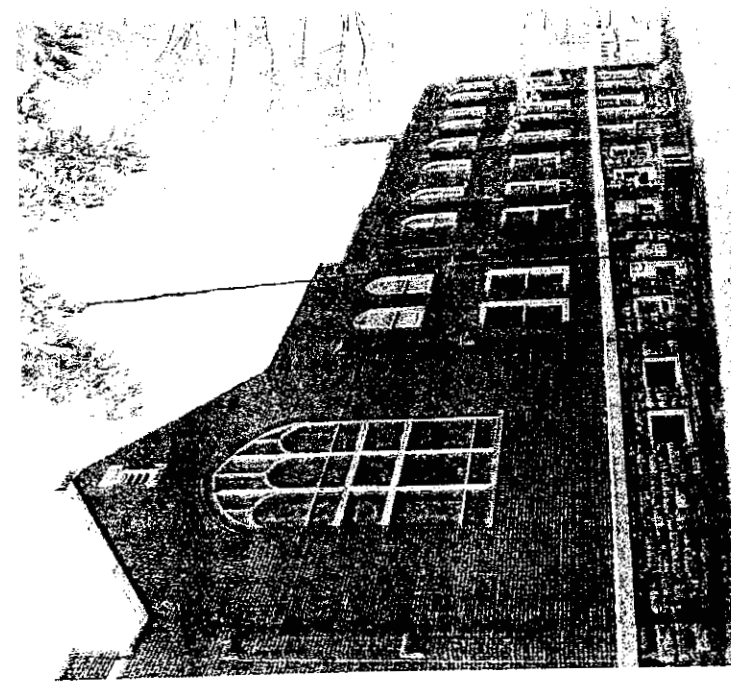
PHOTO
 ELEVATIONS



COMPARISON OF
 EXISTING
 SHEET
 ELEV-1



PROPOSED ELEVATION
 N.T.S.



EXISTING ELEVATION
 N.T.S.

ADJOINING PROPERTY OWNERS
FOR
TAX PARCEL 4120113 (RM-2)
(Trustees of Metropolitan Community Church of the Blue Ridge)

<u>TAX MAP NUMBER</u>	<u>OWNER(S) / ADDRESS</u>	<u>ZONING</u>
4120111	Douglas E. Falls 508 Eighth Street, S.E. Roanoke, Virginia 24013	RM-2
4120102	Trustees of Metropolitan Community Church of the Blue Ridge 806 Jamison Avenue, S.E. Roanoke, Virginia 24013	RM-2
4120103	Trustees of Metropolitan Community Church of the Blue Ridge 806 Jamison Avenue, S.E. Roanoke, Virginia 24013	RM-2
4120104	Richard A. Dearing P. O. Box 8224 Roanoke, Virginia 24014	RM-2
4120114	Larry W. Wilson 812 Jamison Avenue, S.E. Roanoke, Virginia 24013	RM-2
4120603	Gladys M. Cronise 5524 Thornrose Road, N.W. Roanoke, Virginia 24012	RM-2
4120602	Peter N. Olinger 805 Jamison Avenue, S.E. Roanoke, Virginia 24013	RM-2
4120601	Trustees, Belmont United Methodist Church 806 Jamison Avenue, S.E. Roanoke, Virginia 24013	RM-2
4120112	Trustees of Metropolitan Community Church of the Blue Ridge 806 Jamison Avenue, S.E. Roanoke, Virginia 24013	IN

EXHIBIT D

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading of this ordinance by title.

WHEREAS, Trustees of Metropolitan Community Church of the Blue Ridge have made application to the Council of the City of Roanoke, Virginia ("City Council"), to have the hereinafter described property rezoned from RM-2, Residential Mixed Density District, to IN, Institutional District, subject to certain conditions proffered by the applicant; and

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council; and

WHEREAS, a public hearing was held by City Council on such application at its meeting on July 17, 2006, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, City Council, after considering the aforesaid application, the recommendation made to City Council by the Planning Commission, the City's

Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the rezoning of the subject property, and for those reasons, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect that Official Tax No. 4120113, be, and is hereby rezoned from RM-2, Residential Mixed Density District, to IN, Institutional District, subject to the proffers contained in the Amended Petition filed by the Trustees of Metropolitan Community Church of the Blue Ridge, in the Office of the City Clerk on June 21, 2006.

2. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

Architectural Review Board
Board of Zoning Appeals
Planning Commission

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Arellano Orange, LLC, to repeal a proffer of a site plan, showing the layout and access to property located in the 2900 block of Orange Avenue, N.E., bearing Official Tax No. 7090408, and a proffer prohibiting outdoor advertising on the subject property, and replacing such proffers with a proffer of a new site plan, showing the layout and access to the subject property, dated 5/18/06.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, June 15, 2006. By a vote of 6-0 (Mr. Manetta absent), the Commission recommended that City Council approve the request.

Background

On January 4, 2000, at the request of Arellano Orange, LLC (formerly Jesus Arellano), City Council rezoned the property identified as Official Tax No. 7090408 from LM, Light Manufacturing District to C-2, General Commercial District, with conditions (Ordinance 34610-010400). The proffered conditions adopted in the ordinance were as follows:

1. That the property will be developed in substantial conformity with the comprehensive development plan prepared by L.A. gates Company, under date of October 7, 1999, attached hereto and made part hereof, subject to any changes that may be required by the City during development plan review.
2. No outdoor advertising signs will be located on the property.

As part of the comprehensive rezoning adopted by City Council on December 5, 2005, the subject property was rezoned from C-2, General Commercial District, with conditions to CG, Commercial-General District, with conditions.

The petitioner requests that the proffered conditions on the ±2.18-acre parcel at 2901 Orange Avenue, N.E. be repealed and a new condition be accepted relative to the currently proposed development for the site. The originally proffered site plan included the development of a single Mexican restaurant on approximately half the parcel. The revised development proposes a similar establishment with a future commercial building as well.

A Petition to Rezone was filed on April 6, 2006 and on April 24, 2006 a request was filed to continue the consideration of the petition to the June City Planning Commission public hearing. A second amended petition was filed on June 6, 2006.

Considerations

Surrounding Zoning Districts and Land Uses

The subject property is located on the southern side of Orange Avenue, N.E, opposite the intersection of Orange Avenue and Granby Street. The property is located in an area of mixed uses as follows:

- I-1, Industrial District properties to the north and northeast across and along Orange Avenue (including Old Dominion Auto Salvage, Inc. and Hurley Carson Enterprises)
- C-G, Commercial General District properties to the southwest along Orange Avenue and to the north across Orange Avenue (including dental office space owned by Dr. Richard Joachim and the F & S Building & Remodeling Corporation facility)
- R-5, Residential Single-Family District to the south (a 12.80 acre undeveloped parcel abuts the subject property with single family residences further to the south along Mecca Street and Canaday Road).
- ROS, Recreational Open Space to the northwest across Orange Avenue (Beth Israel and Temple Emanuel Cemeteries)

Conditions Proffered by the Petitioner

The petitioner requests that the existing proffered conditions covering the subject property be repealed and that the following condition be substituted and adopted.

The property will be developed in substantial conformity with the development plan prepared by Providence Engineering, dated May 18, 2006 indicated as Exhibit B, subject to any changes required by the City during the Comprehensive Site Plan review.

Compliance with the Zoning Ordinance

Currently the property is subject to a proffered site development plan that was developed under the City's previous Zoning Ordinance. If the amendment of proffers is approved, the development will be subject to the requirements of the current zoning ordinance, which will result in improved placement of buildings and off-street parking. As shown in the development plan, Exhibit B, the proposed buildings will be required to front closely upon Orange Avenue, with the parking to the side of the proposed buildings. The revised conditions will also allow construction of a future building subject to the uses indicated on the development plan without having to revise the conditions in the future.

Compatibility with the Comprehensive and Neighborhood Plan

The petition is compatible with the design principles of the City's Comprehensive Plan, Vision 2001-2020 that recommend commercial buildings located very close to streets and parking lots located in the interior of a site (CD, pgs. 91 & 95).

The petition is also compatible with the future land use map in the Hollins/Wildwood Area Plan, which shows the future use of the property as commercial and the Orange Avenue corridor as primarily a mix of commercial, industrial, institutional and multifamily residential development.

Planning Commission Discussion

The proposed development was discussed, primarily relative to the current intersection at which the property is located, landscaping, parking and need for a sidewalk along Orange Avenue.

- The Planning Commission asked if there was a traffic signal at the intersection of Orange Avenue and Granby Street. Staff responded that there is a light that currently operates for Orange Avenue and Granby Street. This signal would need to be modified to allow for access from the proposed development as part of its sequence.
- Planning Commission asked if the outdoor patio seating needs to be included in the evaluation of the minimum parking spaces required. The Zoning Administrator noted that outdoor seating on the property **will** need to be included in the evaluation of minimum parking required for the development.
- The Planning Commission questioned the lack of landscaping, particularly tree canopy for the parking area. Staff responded that the minimum landscaping and tree canopy requirements of the zoning ordinance will need to be met and will be addressed as part of the site plan review process.
- The Planning Commission questioned the basis for removing the previously proffered condition that no outdoor advertising signs would be placed on the property. Staff noted that the new zoning ordinance will not allow outdoor advertising signs due to the property's proximity to residential land use making the previously proffered condition redundant.

- Planning Commission asked whether public sidewalks along the Orange Avenue right-of-way should be provided. Staff indicated that a sidewalk from the proposed building to the public right-of-way is included as required by the zoning ordinance and that additional sidewalk along the right-of-way would not be required unless proffered by the petitioner. The petitioner noted that a sidewalk may be difficult to install based on the new turn lane proposed as part of the development. The Planning Commission asked if the new turn lane was required by the City Traffic Engineer and staff confirmed that it was.

Recommendation

The Planning Commission recommends that City Council approve the request and finds that the petition to amend the proffered conditions on the subject property furthers the purposes of the City's Comprehensive Plan, the Hollins/Wildwood Area Plan and the City's Zoning Ordinance.

Respectfully submitted,



Richard A. Rife, Chairman
Roanoke City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community Development
William M. Hackworth, City Attorney
Elijio Arellano, Petitioner
Sean Goldsmith, P.E., Engineer for the Petitioner

SECOND AMENDED PETITION TO AMEND PROFFERED CONDITIONS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE:

Amendment of Proffered Conditions 2.18 acre Tract 1, Plat of Valley Land Investment
Co., M.B. 1, Page 315, Tax Map No. 7090408.

TO THE HONORABLE MAYOR AND
MEMBERS OF THE COUNCIL OF THE CITY OF ROANOKE:

By Ordinance No. 34610-010400, at the request of Arellano Orange, LLC (formerly listed as Jesus Arellano), City Council rezoned the property identified as Tax Map No. 7090408 from LM, Light Manufacturing District to C-2, General Commercial District, with conditions. As part of a comprehensive rezoning adopted by City Council on December 5, 2005, the subject property was rezoned from C-2, General Commercial, with conditions to CG, Commercial-General District, with conditions. A map of the property is attached hereto as Exhibit A.

The Petitioner, Arellano Orange, LLC, owns said land in the City of Roanoke and requests that the conditions relating to said property be amended as hereinafter set out.

The Petitioner believes that the subject amendment of proffers will further the intent and purposes of the City Zoning Ordinance and its Comprehensive Plan in that it will allow for a better use of the subject property.

The Petitioner hereby requests that the following proffers enacted by Ordinance No. 34610-010400 be repealed:

- (a) That the property will be developed in substantial conformity with the comprehensive development plan prepared by L.A. Gates Company, under date October 7, 1999, attached hereto and made a part hereof, subject to any changes that may be required by the City during development plan review.
- (b) No outdoor advertising signs will be located on the property.

The Petitioner hereby requests that the following proffered conditions be substituted and adopted for those existing proffers delineated above:

1. The property will be developed in substantial conformity with the

development plan prepared by Providence Engineering, dated May 18, 2006 indicated as Exhibit B, subject to any changes that may be required by the City during Comprehensive Site Plan review.

Attached as Exhibit C are the names, addresses and tax numbers of the owner or owners of all lots or property immediately adjacent to and immediately across a street or road from the subject property.

WHEREFORE, the Petitioner requests that the above-described amended proffers be approved as herein set out in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted this 6th day of June 2006.

Respectfully submitted,

By: 

Eljio Arellano

Owner

Eljio Arellano

Arellano Orange, LLC

1840 Sawmill Branch Road

Salem, VA 24153

540-915-3926



Mecca St.

CARDINAL
BICYCLE
TAX #7090405

RICHARD JOACHIM
TAX #7090407

ARELLANO ORANGE LLC
TAX NO. 7090408

PROPERTY OF
CHARLES L. MCGHEE
TAX NO. 7090401

CARSON HURLEY ENTERPRISES
TAX #7090406

Orange Ave

BETH ISRAEL
CONGREGATION CEM.
TAX #7130112

F & S BUILDING &
REMODELING CORP.
TAX #7140104

Granby St

PROPERTY OF OLD DOMINION
AUTO SALVAGE INC.
TAX NO. 7140112

EXHIBIT A

AREA MAP
MEXICAN RESTAURANT
ROANOKE CITY, VIRGINIA



PROVIDENCE
engineering

819 Naff Road
Boones Mill, Virginia 24065
Ph.: (540) 334-4294
Fax: (540) 334-4293
Email: providence@metwood.com

Revisions By	Date

Scale: 1"=100'
Date: 5/16/06
Design By: SCG
CAD By: SCG
Checked By:
Comm No.: 05055

Sheet No.

C1

GENERAL DEVELOPMENT INFORMATION

DIVISION OF LAND DEVELOPMENT

PROJECT NO. 12345

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

SCALE: 1"=50'

DATE: 12/15/2010

PROJECT NAME: MEXICAN RESTAURANT

OWNER: JAMES E. JONES

DESIGNER: PROVIDENCE ENGINEERING

PROPOSED USES

- A. Existing and proposed building and/or site use.
- B. Existing and proposed building and/or site use.
- C. Existing and proposed building and/or site use.
- D. Existing and proposed building and/or site use.
- E. Existing and proposed building and/or site use.
- F. Existing and proposed building and/or site use.
- G. Existing and proposed building and/or site use.
- H. Existing and proposed building and/or site use.
- I. Existing and proposed building and/or site use.
- J. Existing and proposed building and/or site use.
- K. Existing and proposed building and/or site use.
- L. Existing and proposed building and/or site use.
- M. Existing and proposed building and/or site use.
- N. Existing and proposed building and/or site use.
- O. Existing and proposed building and/or site use.
- P. Existing and proposed building and/or site use.
- Q. Existing and proposed building and/or site use.
- R. Existing and proposed building and/or site use.
- S. Existing and proposed building and/or site use.
- T. Existing and proposed building and/or site use.
- U. Existing and proposed building and/or site use.
- V. Existing and proposed building and/or site use.
- W. Existing and proposed building and/or site use.
- X. Existing and proposed building and/or site use.
- Y. Existing and proposed building and/or site use.
- Z. Existing and proposed building and/or site use.

PROPERTY OF
JAMES E. JONES
ZONED P-5

20' REAR SETBACK
DRAINAGE PAD

PHASE I
RELOCATED
RESTAURANT
(100' x 100')
5000 SF
PT=100.25

PROPERTY OF
JAMES E. JONES
ZONED P-5

UNDERGROUND
STORAGE TANK

PHASE II
RESTAURANT
(100' x 100')
5000 SF
PT=100.25

PROPERTY OF
JAMES E. JONES
ZONED P-5

ORANGE AVENUE (US 460)

RELOCATED TRACT
SIDEWALK & POLE
ENLARGED R.O.W.
TO 4' POST BACK
OF CURB

GRANBY ST.
(60' RW)

F. & S. BUILDING & REPAIRING CORP.
ZONED P-5

EXISTING RESTAURANT BUILDING
ZONED P-5



PROVIDENCE
engineering

319 Naff Road
Roanoke, VA 24065
Ph: (540) 334-4294
Fax: (540) 334-4293
Email: providence@metwood.com

EXHIBIT B

AMMENDED DEVELOPMENT PLAN
MEXICAN RESTAURANT
ROANOKE CITY, VIRGINIA

Scale: 1"=50'
Date: 5/18/06
Design By: SCG
CAD By: SCG
Checked By: SCG
Comm No.: 05055

Sheet No.

CPI

Revisions By Date

LIST OF ADJOINING PROPERTY OWNERS - EXHIBIT C

Official Tax No./ Street Address	Name of Property Owner	Mailing Address
7090406/ 2945 Orange Ave. NE	Carson Hurley Enterprises	2945 Orange Ave. NE Roanoke, VA 24012
7090401/ Mecca St. NE	Charles L. McGhee	4127 Mockingbird Hill NE Roanoke, VA 24012
7090407/ 2913 Orange Ave. NE	Richard J. Joachim	2913 Orange Ave. NE Roanoke, VA 24012
7140104/ 2944 Orange Ave. NE	F&S Building and Remodeling Corp.	2944 Orange Ave. NE Roanoke, VA 24012
7130112/ Orange Ave. NE	Beth Israel Congregation Cemetery	920 Franklin Road SW Roanoke, VA 24016

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

555
6/27/06

AN ORDINANCE to amend §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, by repealing Ordinance No. 34610-010400, to the extent such ordinance placed certain conditions on Official Tax No. 7090408, located on Orange Avenue, N.E., and placing a new proffer on the subject property; and dispensing with the second reading by title of this ordinance.

WHEREAS, Arellano Orange, LLC, has filed an application with the Council of the City of Roanoke to repeal Ordinance No. 34610-010400, adopted January 4, 2000, to the extent such ordinance placed certain conditions upon property bearing Official Tax No. 7090408, located on Orange Avenue, N.E., and to place a new condition proffered by the applicant on the property bearing Official Tax No. 7090408;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.2-540, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to City Council;

WHEREAS, a public hearing was held by City Council on said application at its meeting on July 17, 2006, after due and timely notice thereof as required by §36.2-540, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed amendment;

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's Comprehensive Plan, and the matters presented at the public hearing, finds that the public necessity, convenience, general welfare and good zoning practice, require the repeal of Ordinance No. 34610-010400, adopted January 4, 2000,

to the extent such ordinance placed certain conditions upon property bearing Official Tax No. 7090408, located on Orange Avenue, N.E., and the adoption of the proffer pertaining to the subject property as set forth herein, and for those reasons, is of the opinion that the subject property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. Ordinance No. 34610-010400, adopted by the City Council on January 4, 2000, to the extent that it placed certain conditions on Official Tax No. 7090408, is hereby REPEALED, and that §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, is hereby amended to reflect such action.

2. The proffers set forth in the Second Amended Petition to Amend Proffered Conditions filed in the City Clerk's Office on June 6, 2006, are accepted and placed on the property bearing Official Tax No. 7090408, so that such property will be zoned CG, Commercial-General District, with conditions proffered by the applicant, and that §36.2-100, Code of the City of Roanoke (1979), as amended, and the Official Zoning Map, City of Roanoke, Virginia, dated December 5, 2005, as amended, be amended to reflect such action.

3. Pursuant to the provisions of §12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

City Web: www.roanokeva.gov

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Subject: Tax Exemption Request
from Western Virginia
Emergency Medical
Services Council, Inc.

Dear Mayor Harris and Members of City Council:

Background:

The Western Virginia Emergency Medical Services Council, Inc. owns the property known as Tax Map #6140712, located at 1944 Peters Creek Road, NW, Roanoke. The primary purpose of the Western Virginia Emergency Medical Services Council, Inc is to coordinate emergency medical services within the Council's 12 - County and 6 - City region as well as provide emergency medical services education. Annual taxes due for Fiscal Year 2006-2007 on the parcel noted above are \$2,991.66 on an assessed value of \$251,400.

Considerations:

On May 19, 2003, City Council approved a revised policy and procedure in connection with requests from non-profit organizations for tax exemption of certain property in the City by Resolution 36331-051903, with an effective date of January 1, 2003. The Western Virginia Emergency Medical Services Council, Inc. has provided the necessary information required prior to October 15, 2006, the deadline for applications for exemptions that would take effect January 1, 2007.

According to the Office of the Commissioner of the Revenue, the loss of revenue to the City will be \$2,393.34 annually after a twenty percent service

Mayor Harris and Members of City Council
July 17, 2006
Page 2

charge is levied by the City in lieu of real estate taxes. This service charge will be \$598.32.

Commissioner of the Revenue, Sherman Holland, has determined the organization is currently not exempt from paying real estate taxes on the property known as Tax Map # 6140712 by classification or designation under the Code of Virginia. The IRS recognizes it as a 501(c) 3 tax-exempt organization.

Notification of a public hearing to be held July 17, 2006, was duly advertised in the Roanoke Times.

Recommended Action:

Authorize the Western Virginia Emergency Medical Services Council, Inc. exemption from real estate property taxation pursuant to Article X, Section 6 (a) 6 of the Constitution of Virginia, effective January 1, 2007, for the property known as Tax Map #6140712, located at 1944 Peters Creek Road, NW, Roanoke, if the organization agrees to pay the subject service charge by that date.

Respectfully submitted,



Darlene L. Burcham
City Manager

DLB/rbl

Attachment

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Rolanda B. Russell, Assistant City Manager for Community Development
Sherman M. Stovall, Director of Management and Budget
R. Brian Townsend, Director of Planning, Building, and Economic Development
Susan S. Lower, Director of Real Estate Valuation
Honorable Sherman A. Holland, Commissioner of the Revenue
Honorable Evelyn W. Powers, City Treasurer

CM06-0123

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE exempting from real estate property taxation certain property located in the City of Roanoke of Western Virginia Emergency Medical Services Council, Inc., an organization devoted exclusively to charitable or benevolent purposes on a non-profit basis; providing for an effective date; and dispensing with the second reading by title of this ordinance.

WHEREAS, Western Virginia Emergency Medical Services Council, Inc., (hereinafter "the Applicant"), has petitioned this Council to exempt certain real property of the Applicant from taxation pursuant to Article X, Section 6(a)(6) of the Constitution of Virginia;

WHEREAS, a public hearing at which all citizens had an opportunity to be heard with respect to the Applicant's petition was held by Council on July 17, 2006;

WHEREAS, the provisions of subsection B of Section 58.1-3651, Code of Virginia (1950), as amended, have been examined and considered by the Council;

WHEREAS, the Applicant agrees that the real property to be exempt from taxation is certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map No. 6140712, commonly known as 1944 Peters Creek Road, N.W., (the "Property"), and owned by the Applicant, shall be used by the Applicant exclusively for charitable or benevolent purposes on a non-profit basis; and

WHEREAS, in consideration of Council's adoption of this Ordinance, the Applicant has voluntarily agreed to pay each year a service charge in an amount equal to twenty percent (20%) of the City of Roanoke's real estate tax levy, which would be applicable to the Property were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation;

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. Council classifies and designates Western Virginia Emergency Medical Services Council, Inc., as a charitable or benevolent organization within the context of Section 6(a)(6) of Article X of the Constitution of Virginia, and hereby exempts from real estate taxation certain real estate, including the land and any building located thereon, identified by Roanoke City Tax Map No. 6140712, commonly known as 1944 Peters Creek Road, N.W., and owned by the Applicant, which property is used exclusively for charitable or benevolent purposes on a non-profit basis; continuance of this exemption shall be contingent on the continued use of the property in accordance with the purposes which the Applicant has designated in this Ordinance.

2. In consideration of Council's adoption of this Ordinance, the Applicant agrees to pay to the City of Roanoke on or before October 5 of each year a service charge in an amount equal to twenty (20%) percent of the City of Roanoke's real estate tax levy which would be applicable to the Property, were the Property not exempt from such taxation, for so long as the Property is exempted from such taxation.

3. This Ordinance shall be in full force and effect on January 1, 2007, if by such time a copy, duly executed by an authorized officer of the Applicant, has been filed with the City Clerk.

4. The City Clerk is directed to forward an attested copy of this Ordinance, after it is properly executed by the Applicant, to the Commissioner of the Revenue and the City Treasurer for purposes of assessment and collection, respectively, of the service charge established by this Ordinance, and to Dr. Robert H. Logan, III, Executive Director, Western Virginia Emergency Medical Services Council, Inc.

5. Pursuant to Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.

ACCEPTED, AGREED TO AND EXECUTED by Western Virginia Emergency Medical Services Council, Inc., this ____ day of _____, 2006.

WESTERN VIRGINIA EMERGENCY MEDICAL
SERVICES COUNCIL, INC.

(SEAL)

By _____
Dr. Robert H. Logan, III, Executive Director



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

July 17, 2006

Honorable C. Nelson Harris, Mayor, and Members of City Council
Roanoke, Virginia

Dear Mayor Harris and Members of Council:

Subject: Conveyance of City-Owned Property -
Tract 12, RCIT CM06-0128

This is to request space on Council's regular agenda for a report on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

c: City Attorney
City Clerk
Director of Finance

D.T.

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the proper City officials to execute a contract to sell to Blue Hills Village, LLC, certain City owned property located in the Roanoke Centre for Industry and Technology (RCIT) located at the intersection of Orange Avenue, NE, and Blue Hills Drive, NE, and identified as Tax Map No. 7160113, upon certain terms and conditions; authorizing the proper City officials to execute a Deed of Release that will release such property from the Restrictive Covenants applicable to property in RCIT; authorizing the City Manger to execute such further documents and take such further action as may be necessary to accomplish the above matters; and dispensing with the second reading by title of this Ordinance.

WHEREAS, the Council for the City of Roanoke, after proper advertisement, held a public hearing on the above matters on July 17, 2006, pursuant to Sections 15.2-1800 and 15.2-1813, of the Code of Virginia (1950), as amended, at which hearing all parties and citizens were afforded an opportunity to be heard on the above matters.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. The City Manager and the City Clerk are authorized on behalf of the City to execute and attest, respectively, a contract to sell to Blue Hills Village, LLC, certain City owned property located in the RCIT at the intersection of Orange Avenue, NE, and Blue Hills Drive, NE, consisting of approximately 11.067 acres and identified as Tax Map No. 7160113, upon certain terms and conditions as set forth in the contract attached to the City Manager's letter to this Council dated July 17, 2006. Such contract is to be substantially similar to the one attached to such letter, and in a form approved by the City Attorney.

2. The City Manager and the City Clerk are authorized on behalf of the City to execute and attest, respectively, a Deed of Release releasing only the above- mentioned property identified as Tax Map No. 7160113 from the Restrictive Covenants applicable to the property located in the RCIT once the approvals needed for such a release have been obtained. Such Deed of Release is to be in a form approved by the City Attorney.

3. The City Manager is further authorized to execute such further documents, including a Deed of Conveyance, and take such further action as may be necessary to accomplish the above matters and complete the sale of the above-mentioned property to Blue Hills Village, LLC, with the form of such documents to be approved by the City Attorney.

4. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
City Web: www.roanokeva.gov

July 17, 2006

Honorable C. Nelson Harris, Mayor
Honorable David B. Trinkle, Vice Mayor
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Beverly T. Fitzpatrick, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Gwendolyn W. Mason, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Conveyance of City Owned
Property Tax No. 7390713, Nelms
Lane, NE

The City owns property located on Nelms Lane, NE, containing approximately 0.2457 acres that was formerly used by the Water Department as the site of a water storage tank. The tank has been removed, and the property is no longer of use to the City. The parcel is located in a residential area and is assessed at \$22,300. (See Attachment #1) The City has received an offer of \$25,000 for this parcel from L & L Development Corporation. (See Attachment #2) Returning this parcel to private ownership would allow it to be developed for single family detached residential use.

Recommended Action(s):

Authorize the City Manager to execute the appropriate documents to convey the property to L & L Development Corporation for the consideration of \$25,000, such documents to be approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Darlene Burcham", is written over a horizontal line.

Darlene L. Burcham
City Manager


DLB/SEF

Attachments

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Real Estate Acquisition Specialist

CM06-00120

City of Roanoke - GIS - Microsoft Internet Explorer provided by City of Roanoke



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PARCEL INFORMATION			
Tax Number	7390713	Property Acres	0.2457
Property Address	NELMS LN NE	Overlay Zoning	N/A
Legal Description	LOT 13 BLK 2 MONTEREY NORTH	Property Frontage	70 Feet
Deed Reference	0146500435	Property Avg. Depth	134 Feet
Deed Reference 2	N/A	Property Area	10,705
Prev. Sale Date	N/A	Basement Area	N/A
Prev. Sale Price	N/A	Land Assessment	\$22,300.00
Sale Date	06/27/1980	Improvements	\$0.00
Sale Price	\$0.00	Total	\$22,300.00
Owner	CITY OF ROANOKE VIRGINIA		
Address	215 CHURCH AV SW RM 250 ROANOKE VA 24011		

Local intranet

Start ePortal for Sarah FR... Microsoft Word City of Roanoke - Mi... City of Roanoke - ... 10:11 AM

L&L Development Corporation

Builders of Dreams

May 5, 2006

City of Roanoke
Attention: Sarah Fitton

Dear Ms. Fitton,

This letter services as a preliminary offer of \$25,000.00 to purchase TM # 7390713 located on Nelms Lane NE in Roanoke VA. Included in this offer is an acceptance of reasonability for the disposal of the existing concrete tank foundation, draw-off tunnel and associated materials.

L& L Development has no knowledge of items such as pipe, valves or other devise, and their relationship to the new (existing) water system. This should be determined prior to settlement.

If you find this preliminary offer to be reasonable and we receive verification of acceptable water and sewer access we can then move forward to a formal contract. In the meantime I can be reached on my cell phone at (540) 520-4600.

Regards,
Jim Lafon

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the necessary documents providing for the conveyance of Official Tax Map No. 7390713, containing 0.2457 of an acre, located on Nelms Lane, N.E., to L & L Development Corporation, upon certain terms and conditions; and dispensing with the second reading of this ordinance.

WHEREAS, a public hearing was held July 17, 2006, pursuant to §§15.2-1800(B) and 15.2-1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on said conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are hereby authorized, for and on behalf of the City, to execute and attest, respectively, the necessary documents providing for the conveyance to L & L Development Corporation by a special warranty deed of 0.2457 of an acre of City-owned property, being Official Tax No. 7390713, located on Nelms Lane, N.E., for the consideration of \$25,000.00, upon the terms and conditions set forth in the City Manager's letter to Council dated July 17, 2006.

2. All documents necessary for this conveyance shall be in form approved by the City Attorney.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.